

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume V

Date: September 16, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

SEPTEMBER 16, 2014

VOLUME V

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI

5

6

7 vs.

8

9 DARREN WILSON

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12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 16th day of September, 2014,
17 before

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1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

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1 GRAND JURY HEARING

2 MS. ALIZADEH: Good morning, everyone.

3 This is September 16th, 2014, it is about 8:35 a.m.

4 This is Kathi Alizadeh with the prosecutor's office,

5 Sheila Whirley is present, as well as all 12 grand

6 jurors, and the court reporter is present taking

7 down and recording what is being said.

8 Some housekeeping notes to start. I'm

9 going to pass out to you all, you all are going to

10 receive a copy of a statute. It is section 563.046,

11 and it is, it says law enforcement officers use of

12 force in making an arrest. And it is the law on

13 what is permissible, what force is permissible and

14 when in making an arrest by a police officer.

15 I also want to point out to you, I know

16 you have probably heard or know that there also is a

17 joint federal investigation that's going on at the

18 same time.

19 And several of our witnesses that you are

20 going to hear from are also being interviewed by FBI

21 agents or federal agents. And I want you to make

22 sure you understand the issues that are before you,

23 may be different than the issues in any federal

24 investigation.

25 Their investigation involves civil rights

1 violations. This investigation involves whether
2 there is criminal liability on the part of the
3 officer involved in the shooting.

4 So I can't tell you what the law is on the
5 civil rights issues, but don't be confused about,
6 you know, for example, what are the policies of the
7 police department necessarily doesn't have anything
8 to do with your decision. You certainly have the
9 right to know these things if you wish to know these
10 things, but keep in mind that there is a separate
11 and distinct investigation going on by the feds
12 involving civil rights violation or potential civil
13 rights violation.

14 The other thing is, I messed up. I'm not
15 perfect. Sheila will tell you that I'm not, but
16 we've been marking our exhibits and normally when I
17 have a trial I have all of my exhibits beforehand
18 and I mark them all beforehand and I try to be very
19 meticulous about my numbers. I have kind of been
20 marking these as I go. This has all been coming in
21 as we go, so I screwed up on the numbers. So I just
22 want to clarify for the record in case you are
23 keeping track of numbers.

24 Apparently I have two Grand Jury Exhibits
25 10.

1 So one is Detective photographs,
2 he's the crime scene detective that went to the
3 hospital and photographed Darren Wilson and the
4 other one is a disc that I played for you that had
5 Dorian Johnson's recorded statement.

6 I'm going to keep photograph as
7 being Number 10 and I am now going to make that disc
8 of statements, it is going to be Number 17.

9 And then apparently I have two Number 9s.
10 One Number 9, I don't know that I have used with you
11 all yet. I have marked it, and it is a set of
12 printed photographs that were taken by the morgue
13 personnel, not the autopsy photos that we saw during
14 Dr. testimony. These were separate
15 photos that were taken by the employees at the
16 Medical Examiner's Office in the morgue that are
17 different than the autopsy photos. And those are
18 going to remain Number 9.

19 The other Number 9 I have was a disc that
20 had the news clips on it that we showed where Dorian
21 Johnson had been interviewed or made certain
22 statements on television programs. And so that disc
23 is now going to be Number 16.

24 Unless you all see another issue or
25 problem, I think right now we have 1 through 17.

1 You might not have seen all of those, but as far as
2 I know I don't have any duplicates other than that.

3 So I'll try to be a little more organized
4 in numbering of the exhibits.

5 Does anybody see any other issues with
6 duplicate numbers?

7 Okay. And then as we told you at the
8 beginning of every day, we are just going to kind of
9 give you a preview of what we are going to do. And
10 so first we're going to listen to a recorded
11 statement. The person being interviewed is a
12 sergeant with the Ferguson Police Department, his
13 name is He was the sergeant on duty
14 on the date of the shooting and he was Darren
15 Wilson's direct supervisor.

16 You will hear his statement. It is about
17 an hour long. And then following his statement,
18 Sergeant will be here to testify.

19 After that, we will present the testimony
20 of Detective , who is a St. Louis County
21 police detective, regarding an interview that he did
22 of Darren Wilson.

23 And then we are going to present the
24 testimony of

25

1 And she is an FBI agent and she also
2 did an interview of Darren Wilson.

3 Then we will also present a recorded
4 interview of Darren Wilson for you to listen, that's
5 about 30 minutes.

6 And then finally, I anticipate that the
7 afternoon will have Darren Wilson testifying for you
8 this afternoon.

9 The morning is basically going to be
10 statements that he has made during this
11 investigation from various people and then he will
12 be here to testify and answer your questions in the
13 afternoon, all right?

14 So with that being said, the next piece of
15 evidence is a disc that I have marked as Grand Jury
16 Number 18.

17 (Deposition Exhibit Number 18
18 marked for identification.)

19 MS. ALIZADEH: One of the things that I
20 will tell you that these discs that contain
21 statements of various individuals, I mean, you will
22 hear me use these discs repeatedly because one disc
23 might have 12 witnesses statements on it. I will
24 make sure I preface before we begin to play it whose
25 statement it is.

1 When you put the disc in the computer and
2 open up the file, it lists the names of everybody
3 who has made a statement on that disc. They are
4 pretty recognizable if you would have any need to
5 listen to a particular statement, it would be easy
6 to do that.

7 But there are a number of witness
8 statements on each of these discs, that's the way we
9 received them.

10 Also, we do not have a transcript of this
11 first statement. I've listened to it and it is
12 fairly clear. I don't think it should be an issue,
13 but at any time you all can't hear it or want us to
14 go back a couple of seconds or 30 seconds or a
15 minute if you miss something, that's easy enough to
16 do, all right?

17 We are going to play for you Grand Juror
18 Number 18 and it is the recorded statement of
19 Sergeant

20 (Statement is being played.)

21 MS. ALIZADEH: And as always --

22 And, again, this was Disc Number 18 that
23 you heard a recorded statement of It
24 will be available for you to listen to again at this
25 time during your investigation.

1 : . I want to just
2 doublecheck make sure that audio was recorded and
3 the interview took place on August 14th, is that
4 what, I just want to make sure.

5 MS. ALIZADEH: I don't recall. I'd have
6 to listen to it again since I don't have a
7 transcript handy.

8 I thought they said the
9 19th.

10 : The date that the
11 interview took place.

12 The date, I think it was
13 the 19th.

14 : I have the 19th.

15 MS. ALIZADEH: We certainly can put that
16 in and play the very beginning of it again just to
17 clarify the date.

18 : Okay.

19 : August 19th.

20 : Okay. They got it in their
21 notes.

22 : I trust her.

23 MS. WHIRLEY: Certainly can ask Sergeant
24 he will be there.

25 MS. ALIZADEH: At any time you can listen

1 to any parts of these.

2 (Recess)

3

4 of lawful age, having been first duly sworn to

5 testify the truth, the whole truth, and

6 nothing but the truth in the case aforesaid,

7 deposes and says in reply to oral

8 interrogatories, propounded as follows, to-wit:

9 EXAMINATION

10 BY MS. ALIZADEH:

11 Q Would you state your name and spell it for
12 the court reporter, please?

13 A My name is

14 Q Where are you employed?

15 A City of Ferguson Police Department.

16 Q How long have you been a police officer?

17 A 38 years.

18 Q Have all of these 38 years been with the
19 Ferguson Police Department?

20 A Yes, ma'am.

21 Q Where did you get your training to become
22 a police officer?

23 A I attended the greater St. Louis Police
24 Academy in 1976.

25 Q And do you, are you a certified police

1 officer?

2 **A** Yes, ma'am, I am.

3 **Q** And do you have to undergo regular
4 training and updates to keep that certification?

5 **A** Yes, I do.

6 **Q** And currently, what is your rank with the
7 Ferguson Police Department?

8 **A** I'm sergeant of police.

9 **Q** How long have you been a sergeant?

10 **A** December 2002, no, December 2001.

11 **Q** What are your duties and responsibilities
12 as a sergeant with the Ferguson Police Department?

13 **A** Currently I'm a squad supervisor.

14 **Q** Were those duties similar in August of
15 this year?

16 **A** Yes, ma'am.

17 **Q** 2014?

18 **A** Yes, ma'am.

19 **Q** Was Darren Wilson one of the officers that
20 you supervised?

21 **A** Yes, ma'am, he is.

22 **Q** Now, just in the interest of full
23 disclosure, you and I had a conversation yesterday
24 about your testimony today, correct?

25 **A** That is correct.

1 Q You've not prepared a report, an incident
2 report in relation to this shooting, have you?

3 A No, ma'am, I have not.

4 Q So did I have you come in, and you and I
5 talked about what you knew, what you saw, what you
6 might be able to testify about, correct?

7 A That is correct.

8 Q And previously you were interviewed by a
9 county detective as well as an FBI agent, an
10 attorney from the Department of Justice, and gave a
11 tape recorded statement; is that right?

12 A Yes, ma'am.

13 Q Now, I didn't play that statement for you
14 yesterday, did I?

15 A No, ma'am.

16 Q And since you gave that statement, have
17 you ever heard that recorded statement again?

18 A No, ma'am.

19 Q And do you think that the events of
20 August 9th, 2014, are still clear in your mind?

21 A Yes, ma'am.

22 Q So that day we've heard, we know a little
23 bit about the shift and how many officers were
24 working that day, Darren Wilson was working on your
25 squad that day; is that right?

1 **A** That is correct.

2 **Q** And his shift would have been from 6:00
3 a.m. to 6:00 p.m.?

4 **A** Actually 6:30 a.m. to 6:30 p.m.

5 **Q** Is that the entire squad has that same
6 shift; is that right?

7 **A** That is correct.

8 **Q** And we know that you received a call at
9 some point to go to the area of the Canfield Green
10 Apartments; is that right?

11 **A** Yes, ma'am.

12 **Q** And at the time that you received that
13 call, you were on duty; is that right?

14 **A** Yes, ma'am.

15 **Q** And you were actually at a call at that
16 time, correct?

17 **A** Yes, ma'am.

18 **Q** Did you know what the nature of why it was
19 that you were being asked to respond to that scene?

20 **A** No, ma'am.

21 **Q** Is there any kind of code that your police
22 department uses to indicate that there's some kind
23 of critical incident that may have occurred?

24 **A** We have a J code, J-1 would be immediate
25 response.

1 **Q** Now, is Ferguson Police Department
2 dispatched by their own dispatchers?

3 **A** Yes, ma'am, we have our own dispatching
4 staff.

5 **Q** I want you to make sure you keep your
6 voice up so everybody can hear you because with the
7 fans sometimes it is kind of hard. That mike is
8 recording, it is not necessarily amplifying your
9 voice, okay?

10 **A** Understood.

11 **Q** So you don't go through county's dispatch,
12 you have your own dispatching system, correct?

13 **A** Correct.

14 **Q** And are you aware that on your radios you
15 can get county dispatch channels?

16 **A** We have several various channels on our in
17 car radios and on our walkie-talkies.

18 **Q** As you are dressed today, you have a
19 uniform on, is that how you would have been dressed
20 that day?

21 **A** I was in short sleeves and no tie, but
22 yes, ma'am.

23 **Q** And I see that you have a mike that is
24 clipped to your epaulet on the shoulder of your
25 uniform shirt?

1 **A** Yes, ma'am.

2 **Q** Is that how you carry that all the time?

3 **A** Yes, ma'am.

4 **Q** And is there, is that mike attached then
5 to a portable or mobile walkie-talkie?

6 **A** Yes, it is.

7 **Q** And does that radio on your belt have the
8 same channels or can it get the same channels that
9 your police vehicles can get?

10 **A** That is correct.

11 **Q** And so when you're on duty, is there a
12 particular channel that you just stay on so that you
13 can hear the radio traffic and what's going on in
14 Ferguson?

15 **A** We have a primary channel and we are
16 usually on that during our work shift.

17 **Q** What's the primary channel?

18 **A** The frequency?

19 **Q** Is there a number like?

20 **A** It is Channel 1.

21 **Q** Okay. Let me ask you this. When there
22 are officers out in the City of Ferguson patrolling
23 and an officer uses his radio on Channel 1 and says
24 something regarding a call or just anything, hey,
25 I'm going out of service, I am going to go get

1 dinner, does everybody that's carrying a
2 walkie-talkie hear that then?

3 **A** Not necessarily.

4 **Q** Do you know why that is?

5 **A** Well, the walkie-talkies are only 5 watt
6 transmission power. If they are out in the far
7 sector or far enough away from a receiver, not
8 everybody will hear it. Dispatch will hear it
9 because the receivers will transfer that message to
10 them, but not necessarily broadcast it out through
11 the entire area.

12 **Q** Okay. Now, you now know as you sit here
13 today that there was an incident that occurred at
14 the Ferguson Market shortly before this shooting
15 incident involving Officer Wilson, you now know
16 about that, correct?

17 **A** Yes, I do.

18 **Q** That day when you were in service and on
19 duty, did you hear any radio calls involving a
20 larceny in progress or that there was officers
21 responding to the Ferguson Market?

22 **A** No, ma'am.

23 **Q** And is that, do you think that's because
24 wherever, if there was a call made, that that was
25 just something that you were out of range to

1 actually have heard?

2 **A** It could have been because I was tied up
3 with another situation that I was trying to deal
4 with.

5 **Q** And so is it, and we've all kind of seen
6 this, I think, as you are walking around, you can
7 have the volume turned up on your mobile
8 walkie-talkie so that you hear what's being
9 transmitted, correct?

10 **A** That is correct.

11 **Q** Are there times when you might be
12 interacting with somebody or in a situation where
13 you turn that volume down so that that noise doesn't
14 interrupt what you are doing?

15 **A** Yes, ma'am. Usually when I'm on the
16 telephone or I'm trying to get control of a
17 situation, I may turn the volume down so that they
18 can hear just me speaking.

19 **Q** Okay. But at any rate, you didn't hear
20 the call that came out if the call came out that
21 there was something going on or taken place at the
22 Ferguson Market, is that fair to say?

23 **A** Correct.

24 **Q** And then while you were on this call, you
25 did receive a call to respond to the Canfield Green

1 Apartment complex, correct?

2 A Yes, ma'am.

3 Q And was there any mention, did that call
4 come to you from an officer or did that come from
5 dispatch?

6 A That came from dispatch.

7 Q And prior to getting that call, had you
8 heard any transmissions by Officer Wilson?

9 A No, ma'am.

10 Q And so when you got that call, was there a
11 code with that call that meant respond immediately?

12 A I was told that I was needed at the
13 intersection of Canfield and Copper Creek
14 immediately.

15 Q Immediately?

16 A Uh-huh.

17 Q And so did you then finish up what you
18 were doing or did you leave immediately and respond?

19 A I turned the scene over to the first
20 responding officer and I left immediately.

21 Q So there was, the scene you were at at
22 that time, there was another police officer also
23 working that scene?

24 A Yes, ma'am.

25 Q And so you left then immediately and

1 responded to the Canfield Apartment complex?

2 **A** Yes, ma'am.

3 **Q** And about how long, how far away were you,
4 like how many minutes did it take you to get there?

5 **A** It took me probably about two, two and a
6 half minutes. I mean, travel time, not travel time,
7 but travel distance was probably three quarters of a
8 mile.

9 **Q** Okay. So you were really close?

10 **A** Yes, ma'am.

11 **Q** And when you got to that location, you've
12 been patrolling the street of Ferguson for 38 years,
13 is that fair to say?

14 **A** Yes, ma'am.

15 **Q** Very familiar with all the streets and how
16 to get around?

17 **A** Yes, ma'am.

18 **Q** When you arrived at that location, did you
19 come in off of West Florissant down Canfield or did
20 you come in like the back way through the
21 Northwinds?

22 **A** Northwinds Apartment.

23 **Q** Did you come in the back way?

24 **A** No, I came in from West Florissant on
25 Canfield.

1 **Q** So when you were going down Canfield, at
2 that point you are going east on Canfield?

3 **A** Yes.

4 **Q** I know Canfield kind of winds, isn't
5 necessarily a straight shot, you are heading in the
6 general vicinity of east?

7 **A** Yes, ma'am.

8 **Q** Were you in a marked police vehicle?

9 **A** Yes, ma'am, I was.

10 **Q** Did you go to the scene with emergency
11 lights and sirens on?

12 **A** I don't recall. I believe the traffic was
13 relatively sparse at that time, I don't believe it
14 was needed.

15 **Q** Okay. So when you arrived at the scene,
16 did you see Mr. Darren Wilson's vehicle?

17 **A** Yes, ma'am, I did.

18 **Q** Did you notice any other vehicles, whether
19 it be police officer vehicles or other just civilian
20 vehicles?

21 **A** I saw two other police vehicles.

22 **Q** All right. I guess for, as far as the
23 police vehicles in Ferguson, we know that Officer
24 Wilson had a Tahoe?

25 **A** Yes, ma'am.

1 Q And did you also have a Tahoe?

2 A Yes, ma'am.

3 Q Are all the police vehicles in Ferguson
4 Tahoes?

5 A Primarily the entire fleet are Tahoes, but
6 we also have a secondary fleet of Crown Victorias.

7 Q So the two police vehicles that you saw
8 there, besides Officer Wilson, which we've seen
9 pictures of, were those also marked Tahoes?

10 A Yes, ma'am.

11 Q So when you got there, you notice Officer
12 Wilson's vehicle, which direction was it facing in
13 the street?

14 A It was kind of catty-corner to the, or
15 angular to the traffic lane, but it was pointing
16 more in a westerly direction.

17 Q Towards West Florissant?

18 A Yes, ma'am.

19 Q And were the lights on on his vehicle at
20 all?

21 A No, ma'am.

22 Q Siren in his vehicle?

23 A No, ma'am.

24 Q What about the other two Durangos, (sic)
25 can you describe where those were, were they on

1 Canfield?

2 **A** Yes, ma'am, they both were on Canfield.

3 Both of them were further east than Officer Wilson's
4 location.

5 **Q** And when you arrived at that location, did
6 you see a body?

7 **A** Yes, ma'am.

8 **Q** And was that, where was that body or where
9 were those two police vehicles in relation to the
10 body?

11 **A** One police vehicle was beyond the location
12 of the body parked across the traffic lane to
13 prevent any vehicle from coming that direction and
14 the second car was parked off to the right side of
15 the roadway.

16 **Q** So the vehicle that was, I guess,
17 perpendicular to the street, that would have been
18 farther east of the body; is that right?

19 **A** Yes, ma'am.

20 **Q** And the entire time from the time you got
21 there until the scene was cleared, did you ever
22 observe Officer Wilson's vehicle move or be moved,
23 other than when it was towed away?

24 **A** No, ma'am.

25 **Q** When you arrived there, do you recall was

1 the door to his vehicle, and I'm talking about
2 Darren Wilson's vehicle, was any of the doors open?

3 A No, ma'am.

4 Q Did you see Darren Wilson?

5 A Yes, ma'am, I did.

6 Q Where was he?

7 A He was behind, he was on the driver's seat
8 of the vehicle.

9 Q Of his vehicle?

10 A Yes, ma'am.

11 Q What about the other officers whose
12 vehicles were at the scene, did you see where they
13 were?

14 A I believe they were in a position to
15 protect the area where the body was located.

16 Q Now at this time, and I know you don't
17 know when everybody else got there, we know that two
18 officers, obviously, responded prior to your
19 arrival; is that right?

20 A Yes, ma'am.

21 Q Were those two officers, did you see them
22 interact with Darren Wilson or did you see them
23 talking to him at all?

24 A No, ma'am.

25 Q And did you, at that point have any crime

1 scene tape gone up?

2 **A** No, ma'am, not at that time.

3 **Q** And at that point, were there any cones in
4 the street or around the area?

5 **A** One of the officers had placed a few cones
6 around to indicate location of possible evidence,
7 but not all the cones had been placed out yet.

8 **Q** Okay. And I asked you if you noticed were
9 there any civilian vehicles, I know it is an
10 apartment complex and there is parking lots, but I'm
11 talking about in the street itself. Were there any
12 civilian vehicles that were stopped in the street
13 when you arrived?

14 **A** No, ma'am.

15 **Q** Did you notice any pedestrians, civilians
16 that were on foot in the area?

17 **A** There were several pedestrians about the
18 area.

19 **Q** When you say several, when you first
20 arrived, give me an idea how many you think, an
21 estimate how many you would say at the scene?

22 **A** I'd say 10 to 15.

23 **Q** Okay. Now, we've heard that there was
24 obviously a larger crowd that gathered during the
25 day and that there was some unstableness in the

1 crowd, but at this point, were those 10 to 15
2 people, were they interfering at all, were they
3 creating a disturbance?

4 **A** They were making some noise regarding who
5 the body was and it was at that point in time that I
6 grabbed some crime scene tape out of my police
7 vehicle, gave it to the two officers that were
8 already there and told them to start setting up a
9 perimeter to keep people back.

10 **Q** And so at this point it is fair to say
11 that you didn't know whose body was in the street,
12 correct?

13 **A** That is correct.

14 **Q** And none of the other officers at this
15 point had identified who was in the street, correct?

16 **A** To the best of my knowledge, that's
17 correct.

18 **Q** And then other people that were gathering
19 in the area, people were wondering who it was
20 because maybe it was someone they knew or a loved
21 one of their's, correct?

22 **A** Yes, ma'am.

23 **Q** So there was some agitation or stress
24 involved with people that were there, they were
25 concerned about who that was?

1 **A** Yes, ma'am.

2 **Q** When you arrived, was the body of Michael
3 Brown covered?

4 **A** No, ma'am.

5 **Q** And so when you first arrived, were there
6 any medical personnel, EMS?

7 **A** I believe they showed up shortly after I
8 did.

9 **Q** And did the fire department also show up?

10 **A** Yes, ma'am.

11 **Q** And is that typical that when EMS is
12 called, a firetruck or a rescue vehicle will also go
13 to the call?

14 **A** It actually depends on the call. If it is
15 a more critical call, such as a life threat, a heart
16 attack, difficulty breathing, yes, they would
17 respond with the EMS personnel.

18 **Q** So it is not unusual that on this type of
19 call that the firetruck came too?

20 **A** Not at all, no, ma'am.

21 **Q** There was no fire or anything of that
22 nature, correct?

23 **A** Correct.

24 **Q** Okay. Did those officers then begin to
25 put up the crime scene tape to create the perimeter

1 around the crime scene?

2 **A** The two police officers did, no other fire
3 personnel or ambulance personnel.

4 **Q** Now, at this point is Darren Wilson still
5 in the vehicle?

6 **A** Yes, ma'am.

7 **Q** Did he get out of the car when you got
8 there?

9 **A** The only time he got out of the car is
10 when I told him to get into my vehicle and leave the
11 scene.

12 **Q** Okay. So he stayed in his own car until
13 you told him to take your car and go back to
14 Ferguson Police Department?

15 **A** That is correct.

16 **Q** So going back now, we kind of got the
17 scene what it looked like when you first got there,
18 what's the first thing you did when you drove down
19 the street and saw Darren Wilson's car facing you in
20 the street the way it was?

21 **A** I pulled off onto a driveway apron, right
22 off the street, parked my car and then I walked over
23 to speak with Officer Wilson.

24 **Q** So contacting Officer Wilson was the first
25 thing you did?

1 **A** Yes, ma'am.

2 **Q** But from where you were, could you see
3 that there was a body in the street?

4 **A** Yes, ma'am.

5 **Q** And what did you say to Officer Wilson?

6 **A** I initially asked him what had happened.

7 **Q** Now, you and I talked yesterday about your
8 recollection of Officer Wilson's statement. And we
9 talked about the fact that sometimes when you are
10 recounting a statement, you kind of like use your
11 own words to paraphrase?

12 **A** Correct.

13 **Q** We also talked about that police officers
14 have what we call like cop talk, where you use
15 phrases and words that are typical in police lingo
16 or vernacular, wouldn't that be fair to say?

17 **A** Oh, yes, ma'am.

18 **Q** And remember and recall that yesterday
19 when you and I talked about this, it is important
20 for today that you as best you can use Darren
21 Wilson's words, don't try to paraphrase, don't try
22 to put your spin on things. And I know I don't mean
23 that you would do that intentionally, but if he
24 didn't say that it was, you know, forceful or if he
25 didn't use the words, try not to use your own words,

1 okay?

2 **A** I understand.

3 **Q** And so when you walked up, the best you
4 can recall your words were, what happened?

5 **A** That's what I asked him, yes, ma'am.

6 **Q** All right. And as best you recall, what's
7 the first thing he said to you?

8 **A** He said I had to shoot him.

9 I asked him why?

10 He said he had been walking in the
11 street, I told him to get off the sidewalk, or get
12 on the sidewalk.

13 I said okay.

14 He said well, they told me to fuck
15 off. I slowed my car down, or he slowed his car
16 down and I told him, hey, all you got to do is get
17 out of the street and get on the sidewalk.

18 **Q** Okay. Now, let me stop you. You're
19 saying I told them, so you are talking as Officer
20 Wilson and that's good.

21 **A** That is what he told me.

22 **Q** That's how I want you to do this. So
23 speak as best you can the way Officer Wilson spoke
24 as if you were Officer Wilson?

25 **A** Okay. And he said he stopped his vehicle

1 and he said the individual laying on the street came
2 up to the side of his car and started hitting on him
3 through the window.

4 I said hitting you?

5 He goes, yeah, he reached in, he hit me on
6 the side of my face several times, and grabbed at my
7 shirt, grabbed at my hands and arms.

8 He said I was trying to get out of the
9 vehicle and he wouldn't let me out, he kept pushing
10 the door closed.

11 The individual reached in and was trying
12 to grab at his pistol, his pistol came out of his
13 holster. He told me he had control of the weapon,
14 but it was being pointed at him. He had the gun in
15 his hand, but the muzzle of the weapon had been
16 turned where his hand was actually turned toward
17 him.

18 And he said he was still getting hit
19 with one hand at times and there was a struggle over
20 the gun. He said the weapon was, he didn't get
21 control of the weapon, but he was able to turn the
22 weapon away from himself and the firearm discharged.
23 He said the gun went off.

24 Q Is that how he described it, the gun went
25 off?

1 **A** The gun went off.

2 **Q** Or did he say I fired a shot?

3 **A** No, he said the gun went off.

4 **Q** Okay.

5 **A** He said at that point the individual
6 backed up away from the car and Darren thought he
7 actually got shot, he said I think I shot him in the
8 stomach. And I looked at the side of the car door,
9 and there was no exit on the door, it was just a
10 dimple in the sheet metal.

11 I said what happened then?

12 He said he started running, I got out
13 of the car to chase after him. He said he got down
14 about 30, 40 feet from where the car was parked and
15 for some reason the individual stopped and turned
16 toward him.

17 I said okay.

18 He said, at that point he said
19 something to the effect of, you're too much of a
20 pussy to shoot me and turned, he had faced him and
21 started to charge at Officer Wilson.

22 **Q** Did Officer Wilson use those words that he
23 started to charge?

24 **A** Yes, along with, said he had had an angry
25 look in his face or in his eyes and he says I know

1 this man was bigger than me, I wasn't going to be
2 able to fight him.

3 Q What did he say happened next?

4 A He said he shot him.

5 Q I asked him how many times?

6 A He says I think four.

7 Q Now, were you recording his statement?

8 A No, ma'am.

9 Q Were you taking notes as he was giving you
10 his statement?

11 A No, ma'am, I did not.

12 Q After his statement, did you go back to
13 your department and write down notes to help you
14 recall the statement?

15 A No, ma'am, I did not.

16 Q So this is from your memory of August 9th
17 as far as what Darren Wilson told you and what you
18 saw, correct?

19 A That is correct.

20 Q And Sergeant have you been involved
21 in investigations of police officer involved
22 shootings?

23 A Yes, ma'am.

24 Q Have you investigated those incidents?

25 A Yes, ma'am.

1 Q Have you also been the subject of an
2 investigation in a police officer shooting?

3 A Yes, ma'am.

4 Q So you've discharged your weapon at
5 someone in your career?

6 A Yes, I have.

7 Q And, in fact, the incident that we're
8 talking about was the courthouse shooting involving
9 ; is that right?

10 A That is correct.

11 Q Were you one of the officers that shot
12 ?

13 A Yes, ma'am.

14 Q Following that shooting, I don't want to
15 get into the details of that, but were you asked by
16 other investigators how many times you discharged
17 your weapon that day?

18 A Yes, ma'am.

19 Q And what was your answer?

20 A Three times.

21 Q And so you thought you had fired three
22 times, correct?

23 A Correct.

24 Q Did you later after having downloaded your
25 weapon or have your weapon examined, did you later

1 discover how many times you actually did fire that
2 day?

3 A Yes, ma'am.

4 Q How many times?

5 A Four times.

6 Q So on that day, you believed you fired
7 your weapon three times and you discovered actually
8 you fired it four times?

9 A Yes, ma'am.

10 Q And as you sit here today, do you still in
11 your mind recall three shots?

12 A I still recall three shots.

13 Q And in your experience investigating
14 officer involved shooting, is that unusual that the
15 officer involved in the shooting does not accurately
16 recount the number of shots that he fired?

17 A That is correct.

18 Q And I know you're not an expert and I'm
19 not going to ask you about the mind of someone when
20 they're going through that scenario, but you've
21 actually been there, correct?

22 A That is correct.

23 Q You have a unique perspective that
24 probably none of the other witnesses who are going
25 to testify in this investigation have. When you are

1 involved in that type of critical scene, what is
2 your focus and what's your training tell you to
3 focus on?

4 **A** You focus on your target. I'm sorry, not
5 target, but you focus on whose angry at you, whose
6 coming at you or whose trying to harm you.

7 **Q** So would it be fair to say that you focus
8 on the threat?

9 **A** Yes, ma'am.

10 **Q** And is it unusual or typical, I guess,
11 that you kind of lose focus of other things that
12 might be going on around you?

13 **A** No, it is not unusual. You get kind of
14 like tunnel vision. You only see, like you said,
15 the threat.

16 **Q** All right. And so let me ask you this.
17 When Darren Wilson told you about, for example, he
18 said that there were two men walking in the street
19 and he told them to get on the sidewalk, did he tell
20 you whatever became or happened to that other
21 individual?

22 **A** No, ma'am.

23 **Q** Did you see, we now know Michael Brown was
24 shot dead in the street, did you see the other
25 individual at the scene who might have been the

1 individual that Officer Wilson saw walking with
2 Michael Brown?

3 **A** No, ma'am.

4 **Q** Now, understanding how important this
5 initial statement might be, is there a reason why
6 you did not record his statement?

7 **A** Number one, I did not have a recorder.
8 Number two, I didn't take notes because at that
9 point in time I had multiple things going through my
10 mind besides what Darren was telling me.

11 **Q** You've already said that before arriving
12 at the scene you didn't even know that this was a
13 shooting, would that be fair to say?

14 **A** Correct.

15 **Q** You didn't hear other radio traffic from
16 other officers saying that there had been a
17 shooting?

18 **A** No, ma'am.

19 **Q** So describe for the jurors how Darren
20 Wilson appeared to you, his demeanor, first of all?

21 **A** He appeared in a state of shock. He was
22 staring at the dashboard of his vehicle initially.
23 It was only after maybe a couple of questions that
24 he finally looked at me. I could see the side of
25 his face, especially around his mouth starting to

1 puff up and swell. Also the same thing along the
2 side of his left eye, see a mouse starting to grow.

3 His uniform shirt was disheveled,
4 kind of pulled out of his waistband.

5 Q Did you notice any blood on him?

6 A No, ma'am, I did not notice any blood on
7 him.

8 Q Did you ask him if he was shot or injured?

9 A Yes, I did.

10 Q What did he say?

11 A He said the only thing that he knew of was
12 his face from being hit several times.

13 Q And you didn't see anything on him to
14 indicate that he was bleeding?

15 A No, ma'am.

16 Q And so after you, at this point I'm kind
17 of circling back now.

18 A That's okay.

19 Q He's told you that he pursued Michael
20 Brown and Michael Brown stopped and turned in his
21 direction and charged him. I'm just kind of
22 catching up. So I know it was in a little more
23 detail and then he shot him and Michael Brown went
24 down on the street?

25 A Correct.

1 Q What did Darren Wilson say he did then or
2 did he say anything?

3 A He didn't indicate anything other than he
4 called it into the dispatch.

5 Q All right. Now, when you were there, did
6 you see anyone place a sheet over the body of
7 Michael Brown?

8 A Yes, ma'am, one of the paramedics
9 initially put one sheet over Brown.

10 Q Did you assist in that at all?

11 A Not at that time, no, ma'am.

12 Q Did that sheet completely cover the body
13 of Michael Brown?

14 A No, ma'am, it did not.

15 Q Did you assist in getting other sheets to
16 try?

17 A Yes, I asked a paramedic if he had another
18 sheet so I could fully cover Mr. Brown up, and
19 actually he handed me two.

20 Q Did you observe the paramedics approach
21 the body and attend to the body of Mr. Brown?

22 A I saw one approach the body, bent down and
23 I guess checked for life signs. He got up maybe 10,
24 15 seconds and just walked away.

25 Q Do you know what a strip is?

1 **A** Yes, ma'am.

2 **Q** What is a strip?

3 **A** It is a cardiac monitor like you see on TV
4 that indicates heart rhythm or no rhythm at all.

5 **Q** And you've seen paramedics use a strip
6 before on someone that may still be alive?

7 **A** Yes, ma'am.

8 **Q** Or check for life signs?

9 **A** That is correct.

10 **Q** Did he do that in this case?

11 **A** They did not.

12 **Q** And other than that paramedic who had
13 checked for life signs presumably, did you see
14 anyone else, either law enforcement or any other
15 civilians get close to the body?

16 **A** There was a, I believe it was a copper
17 projectile about 3 feet from his foot, his right
18 foot and somebody walked over there and put a marker
19 to make sure nobody kicked it or disturbed its
20 location.

21 **Q** Okay. So other than that, you didn't see
22 anyone move the body, roll him over, reconfigure the
23 way he was laying?

24 **A** No, ma'am.

25 **Q** And eventually, and you said in your

1 statement that you were at the scene until the scene
2 was done, which would have been after 5:00?

3 A It was closer to 6:15, 6:30, yes, ma'am.

4 Q And now you are aware then that the body
5 of Michael Brown lay in the street under that sheet
6 for several hours on that day; is that right?

7 A Yes, ma'am.

8 Q Is that, do you know the reason for that?

9 A After I made notification to command
10 staff, I was recontacted and advised that St. Louis
11 County would be handling the investigation and the
12 crime scene and I had to await their arrival. Once
13 they arrived, the crime scene was relinquished to
14 them.

15 Q And then any decision about what would
16 happen with the body, that wasn't your decision or
17 anything you had to do with, is that fair to say?

18 A That is correct.

19 Q Were you the most senior ranking Ferguson
20 police officer at the scene that day?

21 A Uh, I had two lieutenants show up later on
22 shortly after, maybe around 1:00 or so.

23 Q Now, you testified that you made
24 notification, who is the first person you called?

25 A Chief of Police.

1 Q Did you speak with him or leave a message?

2 A I had to leave a message on his cell
3 phone.

4 Q Who is the next person you called?

5 A Lieutenant Colonel

6 Q Did you speak with him or did you leave a
7 message?

8 A Left a message for him.

9 Q Whose the next person you called?

10 A Captain

11 Q Did you speak with him or leave a message?

12 A Left a message.

13 Q Everybody, it is Saturday afternoon,
14 correct?

15 A Correct.

16 Q And so then who is the next person you
17 called?

18 A Captain

19 Q Did you speak with him or leave a message.

20 A I spoke with him.

21 Q And after speaking with him and telling
22 him what the situation was, did you make any other
23 notifications after that?

24 A I contacted Lieutenant
25 and I believe that was the last contact I made.

1 **Q** All right. Now, you've already said that
2 at some point you told Darren Wilson to get into
3 your vehicle and go up to the Ferguson Police
4 Department?

5 **A** Yes, ma'am.

6 **Q** And what was the reason, are you aware
7 that an officer involved shooting, typically the
8 officer remains on scene until investigators come
9 and walk through the scene with him?

10 **A** Yes, ma'am.

11 **Q** Why didn't you have him remain at the
12 scene?

13 **A** The crowd was growing rather rapidly.
14 They were very agitated and for the safety of the
15 officers on the scene and for Officer Wilson, I had
16 him leave and go to the police department.

17 **Q** So you had him get in your vehicle and go
18 to the police department?

19 **A** Yes, ma'am. I left his vehicle where it
20 was, where I found it and told him to take my car
21 and go back to the station and wait for a
22 supervisor.

23 **Q** And after he got out of his car, did
24 anyone, did you enter his vehicle?

25 **A** No, ma'am.

1 Q Did you look inside the vehicle?

2 A Yes, ma'am.

3 Q And why were you looking inside the
4 vehicle?

5 A Just to see what I could see. If there
6 was possible evidence or anything like that.

7 Q Did you notice glass inside the vehicle?

8 A Yes, I did.

9 Q Did you notice any bullet holes inside the
10 vehicle?

11 A I saw a bullet into the door panel of the
12 driver's side door, yes, ma'am.

13 Q Did you see any shell casings inside the
14 vehicle?

15 A No, ma'am, I did not.

16 Q Any blood inside the vehicle?

17 A No, ma'am, I did not.

18 Q Now, to be clear, you're not actually a
19 crime, you're role is not to document the scene and,
20 you know, you knew other officers were going to be
21 processing that vehicle, didn't you?

22 A Correct.

23 Q In fact, I think in your statement, but
24 you do as a part of your job place cones or other
25 markers around pieces of evidence if you see them,

1 correct?

2 **A** Yes, when I got the crime scene tape out,
3 I had obtained some traffic cones from another
4 responding officer's vehicle, I marked a few items
5 that I could.

6 **Q** And you knew that another officer then was
7 going to document those items, correct?

8 **A** That is correct.

9 **Q** After Darren Wilson left the scene, did
10 you see him again at all that day?

11 **A** No, ma'am, I did not.

12 **Q** Now, we've heard that you said in your
13 statement that you had contacted Darren Wilson after
14 this time, after this date just to say hello and how
15 you doing; is that right?

16 **A** Yes, ma'am.

17 **Q** Have you and he ever since that day had a
18 detailed conversation about what happened?

19 **A** After his interview and my interview with
20 Justice and FBI and U.S. Attorney and St. Louis
21 County, he asked me if he could tell me everything
22 that happened. I told him, yeah.

23 **Q** So was this in person or on the phone?

24 **A** On the telephone.

25 **Q** And do you recall, you said it was after

1 the FBI talked to you?

2 A Correct.

3 Q And did you only talk to the authorities
4 investigators one time?

5 A Yes, ma'am.

6 Q And then you said to your knowledge, he
7 had already talked to the investigators; is that
8 right?

9 A I asked him if he had been interviewed by
10 them yet, and he said he had.

11 Q And so he told you his version or the
12 story of what happened?

13 A Yes, ma'am.

14 Q Now, is there anything about this second
15 version, I don't mean to use the word version like
16 it is different or implying that it is different,
17 his second time telling you what happened?

18 A There was some more things that he added.

19 Q Details that he added?

20 A Yes, ma'am.

21 Q Was there anything inconsistent with what
22 he had told you previously?

23 A No, ma'am.

24 Q Now, just to summarize, that day on the
25 scene he told you that he fired or that the weapon

1 went off?

2 **A** Correct.

3 **Q** One time while he was seated in the
4 vehicle?

5 **A** Correct.

6 **Q** And he didn't describe shooting his gun
7 while he was running after Michael Brown?

8 **A** He did not say he shot at Michael Brown
9 while he was running at him.

10 **Q** And then he describes after Michael Brown
11 turned around, a series of shots that he fired at
12 Mr. Brown?

13 **A** Correct.

14 **Q** And you said he said maybe I can't
15 remember if you said four or five?

16 **A** He said he thought he was shot, discharged
17 four rounds.

18 **Q** Okay. Now, when you had a subsequent
19 conversation with him, did any part of that change,
20 did he tell you any more details about the number of
21 shots?

22 **A** No, he said he had learned that he had
23 fired more than four shots. I didn't specifically
24 ask him a number, but he said he was told that he
25 fired more than he thought.

1 **Q** Okay. So you didn't talk with him about
2 how many shots were in the vehicle, how many shots
3 were out of the vehicle, whether there was a pause
4 and then more shots or anything like that?

5 **A** That is correct.

6 **Q** Were there any details in this second
7 conversation with him that are or changed the
8 perspective that you have about what happened?

9 **A** No, ma'am.

10 **Q** Is there anything, so you had an
11 additional conversation with him about what
12 happened?

13 After that, did you have any other
14 conversation with him about what happened?

15 **A** No, ma'am, not about what happened, but I
16 have had other conversations with Officer Wilson.

17 **Q** Okay. And Officer Wilson is still on
18 administrative leave; is that correct?

19 **A** That's correct.

20 MS. ALIZADEH: Does anybody have any
21 questions?

22 MS. WHIRLEY: I have a few, this is Sheila
23 Whirley.

24 **Q** (By Ms. Whirley) Have you ever appeared
25 before this grand jury before?

1 **A** Multiple times.

2 **Q** This particular grand jury that is sitting
3 here today to your knowledge?

4 **A** No, ma'am, no.

5 **Q** You have not?

6 **A** Not before this grand jury, no, ma'am.

7 **Q** All right. Regarding Canfield Green
8 Apartments, you have been in the community for over
9 38 years. Did you know the relationship that the
10 police had with that community?

11 **A** I have responded to numerous calls, I've
12 assisted numerous calls over there.

13 **Q** Was it known what the relationship was
14 between the community and the police?

15 **A** We, as far as my squad and myself is
16 concerned, every time we responded over there, we
17 responded for whatever the call is, we handle the
18 call and we left.

19 **Q** Was it a relationship that was friendly or
20 did the residence --

21 **A** Business relationship.

22 **Q** Business.

23 **A** A business relationship. I mean, some of
24 the officers knew tenants and whatnot from previous
25 encounters.

1 **Q** Okay. So there was no understanding that
2 the residents just hated the police, it wasn't like
3 that?

4 **A** No, ma'am, no.

5 **Q** So when Officer Wilson, well, first of all
6 you said you did not hear him ask, announce on the
7 radio that shots were fired?

8 **A** No, ma'am.

9 **Q** At any point?

10 **A** No, ma'am, I did not.

11 **Q** You did not know that a shooting had even
12 occurred until you were told to go there?

13 **A** Until I arrived on the scene is when I
14 first learned there were shots discharged by an
15 officer.

16 **Q** How did you get the call to go to the
17 scene, what were you told?

18 **A** I was told I was needed at the
19 intersection of Canfield and Copper Creek as soon as
20 possible or immediately.

21 **Q** Nobody said what for?

22 **A** No, ma'am.

23 **Q** Okay. Did Wilson ever tell you that,
24 because you said you have talked to him a couple of
25 times since this has occurred?

1 **A** Uh-huh.

2 **Q** And in more detail recently, your last
3 talking was more in detail, correct?

4 **A** My last conversation with Darren was about
5 ten days ago maybe.

6 **Q** He was a little bit more detailed over the
7 phone during that conversation?

8 **A** During the conversation that I had with
9 Darren was probably five or six days after the
10 incident.

11 **Q** Okay.

12 **A** That's when he was more, a little bit more
13 detailed.

14 **Q** More detailed. Did he talk about anything
15 about the stealing that occurred at Ferguson Market
16 that he was stopping these two to investigate that?

17 **A** He said he did not have that call, that
18 call I later found out was given to Officer

19

20 **Q** Did he know about it, did he talk about
21 knowing about the stealing?

22 **A** He did not know anything about the
23 stealing call.

24 **Q** He told you he did not know anything about
25 the stealing?

1 **A** He did not know anything. He was out on
2 another call in the apartment complex adjacent to
3 Canfield Green.

4 **Q** Okay. And so when he's stopping these two
5 it is strictly about the sidewalk, it has nothing to
6 do with him investigating the stealing of
7 Cigarillos; is that correct?

8 **A** That is correct.

9 **Q** Did he indicate that he was angered at all
10 when he was told to fuck off?

11 **A** Well, no police officer likes being told
12 that. I don't think he was angered as much as he
13 was just taken aback by it for no reason whatsoever.

14 **Q** Is that like a sign of disrespect, I would
15 feel disrespected if somebody told me to fuck off?

16 **A** You know, respect toward the police
17 nowadays is not like it used to be. Most of the
18 time it is under their breath or just barely within
19 earshot, but evidently at this point in time it was
20 told quite directly at him.

21 **Q** Okay. Did Wilson indicate, Officer Wilson
22 indicate that when he chased Michael Brown, that
23 assistance had been called for at that point?

24 **A** He did not indicate to me, no, ma'am.

25 **Q** Did you have any understanding or any

1 knowledge about how it occurred regarding him
2 chasing after Michael Brown whether or not
3 assistance was on its way or anything like that?

4 **A** No, ma'am, I don't know.

5 **Q** Okay. Now, have you ever known Officer
6 Wilson to discharge his weapon?

7 **A** Not to my knowledge, other than on the
8 practice range or the firing range at the police
9 department, that's the only time I know he's ever
10 discharged a weapon.

11 **Q** Have you ever known him to get into a
12 physical altercation with a suspect?

13 **A** Only when the suspect had initiated the
14 resistance.

15 **Q** You do know of a particular incident where
16 that has occurred?

17 **A** Yes, ma'am.

18 **Q** What happened in that situation?

19 **A** Officer Wilson was able to gain control of
20 the individual and put him in handcuffs before
21 assistance arrived.

22 **Q** Was he alone?

23 **A** Yes, ma'am.

24 **Q** Do you know what transpired why there was
25 even a physical altercation?

1 **A** It was a suspicious vehicle call, occupied
2 suspicious vehicle. And when he walked up to the
3 car, he could smell an odor what he associated with
4 marijuana and he told the driver to get out of the
5 car, at which time he did. When he was trying to
6 take him into custody is when the resistance
7 occurred.

8 **Q** That's the only occasion you are aware of?

9 **A** He's had minor ones with other officers,
10 exactly who, how it started, you know, I know of one
11 where an individual resisted the arrest with Officer
12 Wilson and another one of my officers and the
13 subject ended up having to be tasered in order to
14 comply with the officers.

15 **Q** Did Officer Wilson use a taser?

16 **A** No, ma'am, he did not carry one.

17 **Q** It was known that he did not carry a
18 taser?

19 **A** That is correct.

20 **Q** It wasn't required that he carry a taser?

21 **A** No.

22 **Q** What about mace, did you know of an
23 incident where he maced an individual?

24 **A** Never.

25 MS. WHIRLEY: Anybody else have any

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1 questions? Go ahead.

2 : My

3 question is, did Officer Wilson, did he state
4 specifically that it was Michael Brown that made
5 those derogatory or offensive comments to him or did
6 he indicate if it was Dorian Johnson?

7 **A** He did not indicate to me who made the
8 comments, ma'am.

9 I see.

10 I've got a
11 couple questions. Did Officer Wilson indicate at
12 all that he said anything to Michael Brown as he was
13 chasing after him?

14 **A** He yelled at him to stop or halt, but
15 nothing more than that.

16 : Are those the words he
17 used stop, halt?

18 **A** I don't know, I believe he just told him
19 to stop.

20 : Okay. Did he indicate at
21 any point when he, right after he had first contact
22 with him and told him, asked him to get out of the
23 street, that at any point he had to reverse his car
24 back towards them?

25 **A** I believe he did go backwards, reverse his

1 automobile for a short distance, then stopped.

2 Asked them again to get out of the street.

3 : Okay.

4 MS. ALIZADEH: Sergeant I just want
5 to clarify. I know you know things about what
6 happened, I want to make sure that we're clear on
7 this. Are you saying that you know that that
8 happened because you've since learned that, or are
9 you saying that Officer Wilson that day told you
10 that he reversed his vehicle?

11 **A** Officer Wilson did not tell me that day
12 that he had to do that.

13 MS. ALIZADEH: Okay.

14 **A** I've learned that through a later
15 conversation.

16 **Q** (By Ms. Alizadeh) So when we talk about
17 things that he says he did, I want to make sure it
18 is clear to everybody, you know, to clarify whether
19 or not it is something that he knows happened
20 because of subsequent investigation or if it is
21 something that Officer Wilson said to you.

22 I also want to clarify something else
23 and I'm sorry to interrupt, but it is along the same
24 lines. You testified that when Sheila asked you
25 some questions, Miss Whirley, that Officer Wilson

1 did not know about the stealing that was going on or
2 had just occurred at the Ferguson Market.

3 Now, my question to you is this, are
4 you saying that because he told you he didn't know
5 about it or you saying that because he didn't
6 mention it to you when you were talking to him?

7 **A** He did not mention it to me again. I
8 learned about it at a later time.

9 **Q** Has he ever told you, yeah, I didn't know
10 anything about what happened up at the Ferguson
11 Market?

12 **A** Yes, he has told me that in subsequent
13 conversations.

14 **Q** He told you he didn't know about there
15 being a stealing at the Ferguson Market?

16 **A** Correct.

17 **Q** Okay.

18 : Just one last follow-up,
19 Did Officer Wilson at any point say
20 anything or infer at any time that maybe he thought
21 that Michael Brown was under some type of influence
22 of something?

23 **A** No, sir, he did not.

24 : . My
25 question goes back to Officer Darren Wilson's first

1 call to dispatch, which initiated a call to you.
2 You know, I understand from watching the news when
3 someone calls 911, the recording is timestamped and
4 there is an audio recording. In this instance or in
5 a regular instance, when an officer calls dispatch,
6 is there any sort of timestamp or recording, or
7 secondary recording so we would know exactly what
8 that call would be or when that call took place?

9 **A** Yes, all of our incoming calls, including
10 radio traffic, is recorded digitally. That would be
11 available to the investigators through our
12 communications supervisor.

13 : Are you aware of what that
14 original call would have been when he called?

15 **A** His original call?

16 : Uh-huh.

17 **A** I have since learned what it was, is that
18 what you want to hear?

19 : Sure.

20 **A** It was a sick case on Glenark was the
21 street. Again, next apartment complex over is
22 Northwinds Apartments and Glenark is small, like
23 eight apartments on that street. He responded to a
24 sick case at that location.

25 : . Again, my

1 apologies, I might not have made myself clear.

2 After the shooting of Michael Brown, was
3 that call when he dispatched that first call, was
4 that again recorded that you would have known what
5 the call would have been for him to call dispatch
6 and say XYZ happened?

7 **A** Yeah, I believe the answer to that
8 question would be yes. When he called it into
9 dispatch, he would have probably told them what was
10 going on and what happened.

11 MS. ALIZADEH: I'm sorry, just so you all
12 know, we have radio calls that we'll be playing for
13 you at some point in this investigation.

14 MS. WHIRLEY: Let me follow-up on that
15 real quick.

16 **Q** (By Ms. Whirley) Do you have any knowledge
17 that there was a radio call that has been recorded
18 and seized that where Darren Wilson is saying shots
19 fired, asking for assistance before he gets out of
20 the car or around the time this is happening?

21 **A** No, ma'am.

22 **Q** There is no recording that you know of
23 that exist?

24 **A** I know there is one exist.

25 **Q** You do?

1 **A** Yes.

2 **Q** Okay. Do you know where we might get it?

3 **A** The communication supervisor at Ferguson
4 Police Department can provide it to you.

5 **Q** Okay, all right. Thank you.

6 MS. ALIZADEH: Sergeant just to
7 clarify, have you ever heard the radio calls, have
8 you ever listened to them?

9 **A** No, ma'am.

10 **Q** (By Ms. Alizadeh) So it is important that
11 you testify about your own personal knowledge and
12 not what maybe somebody has told you that you
13 believe. Would it be fair to say that you don't
14 know what those calls consisted of because you have
15 never heard them, right?

16 **A** I don't know what the calls consist of,
17 that is correct.

18 **Q** And maybe somebody told you that there is
19 a call, but you have never heard that yourself?

20 **A** No, ma'am.

21 **Q** Whatever those calls would be, they would
22 have been recorded and burned on a disc for purpose
23 of this investigation, could that have occurred?

24 **A** Yes.

25 MS. ALIZADEH: Okay.

1 MS. WHIRLEY: .

2 : At the
3 beginning when you were speaking, you said an
4 incident report was not filed?

5 A I'm sorry?

6 An incident report was
7 not filed?

8 A I did not complete any report regarding
9 this incident because St. Louis County was handling
10 the entire case.

11 In your recorded
12 statement, I believe I heard you talk about a Use of
13 Force Report?

14 A Yes, ma'am.

15 That's different?

16 A That is something different, yes, ma'am.

17 : Okay. At the beginning
18 of your statement here you talked about a code, is
19 that J-1?

20 A There's radio code for immediate
21 assistance.

22 Okay.

23 A That's J-1.

24 : Okay. When you get
25 those, you don't if an officer that's down, a

1 civilian that's down or something in progress. You
2 just know you are needed somewhere right away?

3 **A** Correct.

4 : You didn't use your
5 lights or your siren?

6 **A** No, ma'am. Like I said, the road traffic,
7 I had pretty much of a clear lane to get there.

8 Okay. And do all the
9 officers have mikes on their uniform or the radios
10 in the car?

11 **A** We all have radios in the car.

12 Okay

13 **A** Majority of the officers wear their mikes
14 up high so that they can hear it and respond
15 relatively quickly.

16 : And you say that Officer
17 Wilson was in his car with the door shut when you
18 arrived?

19 **A** That is correct.

20 : Okay. This is the first
21 time we heard about too much of a pussy to shoot me.
22 In your recorded statement, we didn't hear that.
23 Did you learn of that after your recorded statement
24 or is that just something that you are recalling
25 now?

1 **A** I recalled that since my recorded
2 statement.

3 : Okay.

4 **A** But I believe my recorded statement was
5 taken three or four days after the event.

6 : Okay.

7 **A** I was working 12 plus hours a day.
8 I understand. Is it
9 still, you still stay with the fact that Michael
10 Brown had his hands up and was charging?

11 **A** That's what Darren told me he was charging
12 at me.

13 This question is not
14 meant as any disrespect, but your recorded statement
15 you said that, um, you have to ask stupid questions
16 like how this could be prevented?

17 **A** I'm sorry?

18 : In your recorded
19 statement you said that you are required to ask
20 officers stupid questions like how could this
21 incident be prevented?

22 **A** That's on the injury report.

23 : You feel that's a stupid
24 question because you feel your officers don't have
25 any other choice?

1 **A** Correct.

2 When you are in that kind
3 of situation?

4 **A** When you are physically attacked
5 unprovoked, I believe how could he prevent this is a
6 stupid question.

7 : Okay, I'm done.

8 MS. WHIRLEY:

9 : . Several
10 questions.

11 **A** Yes, ma'am.

12 My first question is, when
13 he was alone, when he left the scene of the crime,
14 Officer Wilson, why was he left alone, why didn't
15 another officer escort him back to the police
16 department?

17 **A** There was another police officer on light
18 duty at the police department who could sit with
19 him.

20 : Say that again?

21 **A** There was another officer who,
22 station
23 bound. So there was an officer there who could sit
24 with him until a supervisor got there.

25 : My question is, why wasn't

1 he escorted by another PO considering that even
2 though he left the scene of the crime, that someone
3 could have noticed him and followed him, but yet he
4 wouldn't of had any backup or protection, he still
5 would have been left alone?

6 **A** I had, let's see, Darren made, Darren made
7 my sixth officer for the day and that includes
8 myself.

9 I already had three other officers
10 and myself at the scene, I had another officer still
11 out on a call. So I only had one officer that was
12 left on the street. I honestly, truthfully, I
13 didn't have the manpower to send somebody with him.

14 : Okay.

15 **A** But yes, you are correct, somebody could
16 have followed him. But also on our radio we have
17 Country Club Hills and Calverton Park. If there
18 would have been a problem, there would have been
19 other officers in the area from those two agencies
20 that could have responded.

21 : Okay. My next question
22 was or is, I seen pictures of the car, Officer
23 Wilson's car. I only seen a little shattered glass
24 that was on his driver's side seat?

25 **A** Uh-huh.

1 : Did he ever mention that
2 the glass was half cracked, half down, or all the
3 way down?

4 **A** He never told me what the window position
5 was, ma'am.

6 : Okay. My last question
7 is, after the incident, the crime was over and you
8 had time to go back to your office, did you ever
9 think to read Officer Wilson's history prior to
10 coming to your department or when he came up under
11 your leadership to understand his previous history?

12 **A** Anything that happened prior to his
13 employment should have been covered by the officer
14 who did his background investigation.

15 Now, I don't know who did his
16 background investigation preemployment. I did speak
17 with his supervisor prior to him coming to my squad
18 and ask what kind of officer he was. And I believe
19 I was presented with a few training certificates
20 that he had obtained while he was on the other
21 squad, but there were no corrective measures or any
22 disciplinary notes or anything such as that in what
23 I was given.

24 MS. WHIRLEY:

25 : How many

1 officer involved shootings occurred in Ferguson say
2 in the last ten years?

3 **A** Last ten years?

4 : Yeah?

5 **A** I believe one, maybe two.

6 : So they're a rare
7 occurrence and not an every day --

8 **A** They are very rare occurrence, sir.

9 : Okay. Thank you.

10 : Is it
11 standard procedure basically for only one officer to
12 be on patrol at any given time by themselves or do you
13 do double duty where there is two officers so you
14 have a ready backup in case of a situation that
15 inflames?

16 **A** On a perfect day I would have seven
17 officers out there.

18 : Uh-huh.

19 **A** I have four assigned sectors, which would
20 be three cover cars to assist plus myself.

21 Uh-huh.

22 **A** So basically we would have two officers
23 respond to most every call depending on what the
24 call is naturally.

25 Yes, ma'am.

1 : . I just need
2 clarification. Did Officer Wilson have blood on his
3 hands?

4 **A** I did not see any blood.

5 : Okay. In the written, in
6 the recorded statement we learned that he washed his
7 hands because there was blood on them and he was
8 checking for injury or the spread of infection?

9 **A** Whose recorded statement?

10 : Your recorded statement.

11 **A** It had to be something I learned after
12 that day.

13 : All right, thank you.

14 : . Also to
15 clarify. I want to make sure when you told Officer
16 Darren Wilson to get in your vehicle and go back to
17 the Ferguson Police Department, at that time he was
18 still currently wearing his uniform he had on at the
19 time of the incident and his gun was with him when
20 he went back to Ferguson?

21 **A** His sidearm, yes, he carried his side arm
22 back to Ferguson holstered.

23 : And at that point, I
24 guess, you were at the scene, you wouldn't have
25 known what happened to that gun or who would have

1 processed it or his clothes or anything because you
2 were at the scene?

3 A At that point in time, no, sir, I would
4 not know.

5 : Okay.

6 MS. ALIZADEH: Any other questions?

7 MS. WHIRLEY: I just have one. Whose
8 decision was it to call county in to investigate?

9 A It was the chief of police's decision.

10 Q (By Ms. Whirley) This is pretty standard
11 when there is a shooting, you say you have been
12 involved in a few shootings, do you generally have
13 another department investigate it or do you
14 investigate it yourselves?

15 A One of the previous, or the one, I should
16 say the two that I investigated, we investigated
17 them. This one, well, the first two were only, they
18 were not mortal wounds, they weren't fatalities.

19 I believe the chief made that
20 decision because of, it would be better to have an
21 outside agency such as county or state police to do
22 the investigation to show that we were not trying to
23 hide or cover up anything.

24 MS. WHIRLEY: Okay.

25 Q (By Ms. Alizadeh) Sergeant I know

1 you've said to me at least before, I can't remember
2 if you testified today that you don't recall what
3 time you got up to the scene, the time it was?

4 **A** Correct.

5 **Q** But assuming that we know that the
6 shooting occurred somewhere like a quarter after
7 noon, give or take a few minutes, but I'm just
8 trying to use that as a reference, how long was it
9 before you saw county officers responding up at the
10 scene?

11 **A** Uh, I believe the first one arrived on the
12 scene anywhere from an hour to an hour 15.

13 **Q** So were you privy to the decision to call
14 county into the investigation, were you talking with
15 the superiors when that decision was made?

16 **A** No, ma'am.

17 **Q** So whoever made that decision, you don't
18 know when that decision was made?

19 **A** That is correct.

20 **Q** But you were at the scene for about an
21 hour to an hour and a half you said?

22 **A** Hour 15, yeah.

23 **Q** Before you saw county arrive?

24 **A** Correct.

25 MS. WHIRLEY: I have one last question.

1 In your statement to, I guess it was Officer
2 who did you give a statement to that was
3 recorded?

4 **A** Detective

5 MS. WHIRLEY: Okay.

6 **A** And, I believe, Detective

7 MS. WHIRLEY: Okay. I believe you said in
8 that statement that Officer Wilson told you that
9 Michael Brown took off running and then he stopped
10 and raised his arms and charged him?

11 **A** Yes, ma'am.

12 MS. WHIRLEY: Did he indicate to you how
13 he raised his arms, how Michael Brown raised his
14 arms?

15 **A** May I stand up?

16 MS. WHIRLEY: Sure.

17 **A** It was like this, like he was going to
18 charge at him. (indicating)

19 MS. WHIRLEY: Okay. So he raised his arm
20 in a charging motion?

21 **A** Correct.

22 MS. WHIRLEY: Did he say at that time he
23 shot him?

24 **A** He told me when he took the step forward.

25 MS. WHIRLEY: He shot him.

2 MS. WHIRLEY: Okay. So at the time when
3 he had his hands raised and he was charging at him,
4 he shot, but it wasn't at that time he didn't have
5 his hands like going for a weapon.

6 **A** I don't remember, I don't recall.

7 MS. WHIRLEY: Okay. All right.

8 **A** Yes, ma'am.

9 . Did
10 Officer Wilson ever say he saw any blood coming from
11 the victim?

12 **A** No, ma'am. Yes, sir.

13 : . When
14 Officer Wilson discharged his weapon, did he say how
15 close they were in proximity, how close they were?

16 **A** No, sir, he did not.

17 : . You
18 mentioned before that protocol that all officers
19 would go to the FTO, the field training. And in
20 that, do the officers are they ever taught in a
21 situation, maybe similar to this, to shoot to injure
22 instead of shooting to kill?

23 **A** You shoot to neutralize the threat.

24 MS. ALIZADEH: Any more questions?

25 Finally, Sergeant the last thing I

1 want to ask you, is there anything that you think
2 this grand jury should know about this incident or
3 that you know that maybe we didn't ask you. I don't
4 want anybody walking away from here saying well,
5 they never asked me that or anything like that. Is
6 there anything that you think would be important for
7 this grand jury to know that you haven't told them
8 yet?

9 **A** I've worked with Officer Wilson for two
10 and a half years. He's been under my supervision
11 that long.

12 Darren is a very easy going
13 individual, always has a smile on his face. Doesn't
14 go trying to start trouble or look for trouble, does
15 a good job.

16 I have very little supervisory hours
17 dedicated to Darren Wilson. He knows his job very
18 well and he does it very well.

19 My opinion, put in this
20 circumstances, I don't know what I would have done.
21 I probably would have done the same thing.

22 So, I mean, Darren did not just all
23 of the sudden go from trying to chase this guy down
24 and take him into custody to deciding just to shoot
25 him because. So, I mean, Darren is a good officer.

1 MS. ALIZADEH: Anybody have anything else
2 that they want to him?

3 All right, thank you Sergeant
4 (Completion of Sergeant testimony.)

5
6 of lawful age, having been first duly sworn to
7 testify the truth, the whole truth, and
8 nothing but the truth in the case aforesaid,
9 deposes and says in reply to oral
10 interrogatories, propounded as follows, to-wit:

11 EXAMINATION

12 BY MS. WHIRLEY:

13 Q Detective, spell your name for the court
14 reporter, please?

15 A

16

17 Q All right. Detective you are a
18 police officer with St. Louis County Police
19 Department; is that correct?

20 A That is correct.

21 Q How long have you been a police officer?

22 A Approximately eight years.

23 Q And you are currently a detective, so how
24 long have you been a detective?

25 A Two and a half years as a detective.

1 **Q** Have you always been with St. Louis County
2 Police Department?

3 **A** Yes.

4 **Q** And you are a certified police officer?

5 **A** Yes.

6 **Q** What does that mean?

7 **A** That means that I've accomplished the
8 training required by the State of Missouri to be a
9 commissioned police officer.

10 **Q** You must have ongoing training?

11 **A** Correct.

12 **Q** And you have the power of arrest in the
13 State of Missouri?

14 **A** I do.

15 **Q** Okay. Now, you know why we are here?

16 **A** I do.

17 **Q** Okay. So tell us how you became involved
18 in this investigation?

19 **A** Prior to this incident that we're here
20 today on, I was called in to work to assist with an
21 investigation that occurred, it was an attempted
22 robbery that occurred at St. Anthony's Hospital on
23 August 9th, 2014.

24 **Q** Okay. Go ahead.

25 **A** While I was there, we were finishing up,

1 and my sergeant, Sergeant received a
2 telephone call and was requesting our unit to
3 respond to the City of Ferguson and assist with an
4 officer involved shooting.

5 Q At the time did you know that there was a
6 dead person involved or it was just a shooting?

7 A What I knew that it was just an officer
8 involved shooting.

9 Q You didn't know who the officer was?

10 A I did not.

11 Q Before I go further, you've testified in
12 front of this grand jury before; is that correct?

13 A Yes, I have.

14 Q Okay. Unrelated to this particular
15 incident though?

16 A Correct.

17 Q This is first time you have testified
18 regarding the Michael Brown shooting?

19 A Yes, ma'am.

20 Q All right. And you have met with Kathi
21 Alizadeh and myself before; is that correct?

22 A That's correct.

23 Q Regarding this incident?

24 A Yes.

25 Q Because you are working this incident?

1 **A** Correct.

2 **Q** Have you developed or written a police
3 report yet?

4 **A** No.

5 **Q** Okay. So you just taking notes as you go
6 or what's going on with that?

7 **A** Yes, basically we take notes as we go. We
8 transfer that to a memorandum to the case detective.

9 **Q** Okay. And that's how you keep track of
10 what's occurring here?

11 **A** Yes.

12 **Q** And what was your role as a detective in
13 this case?

14 **A** Initially I responded to the scene, and
15 the way it works with the information we had at the
16 time, all the detectives assigned to my unit
17 responded to the scene. I believe I was the first
18 car, the first one of the St. Louis County police
19 detectives to arrive, and I made contact with
20 Sergeant who is a county police
21 sergeant, St. Louis County police sergeant, assigned
22 to North County Precinct. He was there within the
23 crime scene, that's the first person I contacted.

24 **Q** You said the crime scene, we talking about
25 Canfield Green Apartments?

1 **A** Yes, within the crime scene tape.

2 **Q** Where the body was laying?

3 **A** Yes.

4 **Q** And the police vehicle was positioned?

5 **A** Yes.

6 **Q** All right. And about what time did you
7 arrive there?

8 **A** I believe the arrival time was
9 approximately 1:30.

10 **Q** For you?

11 **A** For me.

12 **Q** And you were the first county officer on
13 the scene?

14 **A** Yes, I was shortly trailed by the rest of
15 the detective bureau by minutes.

16 MS. ALIZADEH: Let me clarify, you weren't
17 the first county officer at the scene, but the first
18 detective?

19 **A** Yes, first county police detective
20 assigned to my unit that would be responsible for
21 initiating the investigation.

22 **Q** (By Ms. Whirley) Okay. But there were
23 other county officers on the scene when you got
24 there?

25 **A** Yes, that's correct.

1 **Q** Do you recall when you would have gotten a
2 call to respond there?

3 **A** I believe the time was about 12:40, 12:43,
4 in that area, is when Sergeant received the
5 call. As it was, we were all standing together when
6 he received that call and then after he got done
7 with the phone call, he immediately dispatched us to
8 the area.

9 **Q** Now, is it unusual for St. Louis County to
10 investigate a shooting that occurred in another
11 municipality?

12 **A** No.

13 **Q** Is it pretty standard?

14 **A** It is standard. If we are requested to
15 respond and assume the responsibility of the
16 investigation, we will do so.

17 **Q** All right.

18 **A** If requested to by that department.

19 **Q** And that's what happened in this case, you
20 were requested?

21 **A** Yes, ma'am.

22 **Q** All right. Let's go back to what your
23 particular duties were regarding this investigation.

24 **A** Sure. When I arrived I contacted Sergeant
25 and essentially what we do is try to get as

1 much knowledge as we have at the time.

2 He had advised me that the medical
3 examiner had not been notified yet and that's when I
4 requested them to do so.

5 Typically the way that it works with
6 our police department is the personnel from the
7 division of patrol, which would be the uniform
8 police officers are responsible for making that
9 notification.

10 So once I found out that that wasn't
11 done, I immediately made that request.

12 Q So when you arrived, the medical examiner
13 had not been notified?

14 A To my knowledge, no. Sergeant
15 informed me that they had not been.

16 Q How about EMS, the emergency personnel?

17 A I was unaware if they had responded yet at
18 the time. My main concern was making sure the
19 medical examiner was dispatched.

20 Q Because when you arrived, it was
21 determined that Michael Brown was dead?

22 A Yes. So if subject is deceased, then the
23 next step would be to contact the medical examiner.

24 Q Describe the scene when you arrived, you
25 said it was 1:30-ish or so?

1 **A** Yes.

2 **Q** Describe the scene for us?

3 **A** As I arrived, I came down West Florissant
4 and then turned, it would be east on Canfield Road.
5 The entire street was lined with cars, both civilian
6 cars and other police cars from St. Louis County. I
7 believe there was a Ferguson car there and multiple
8 other jurisdictions, to where I was unable to even
9 make it to the actual crime scene. I had to park
10 some distance away, I don't know the exact distance,
11 but some distance away and walk up to the crime
12 scene.

13 Which is a little atypical than what
14 we're used to. Typically we drive right up to the
15 crime scene tape, park outside of it and then we can
16 enter the crime scene there.

17 There were multiple people, I can't
18 quantify how many, but people were walking towards
19 that area as I was walking up as well, and that's
20 when I entered the crime scene.

21 **Q** Could you hear people talking? I don't
22 want to assume, was there a crowd, are you telling
23 us, a crowd of people?

24 **A** There were, I would say small pockets of
25 people around the entire crime scene. When you ask

1 about if I could hear anything that was being said,
2 I just wasn't paying attention to it.

3 Q Okay. Did you see Darren Wilson at the
4 scene?

5 A I didn't know who Darren Wilson was at the
6 time, I learned later he wasn't there.

7 Q He was not at the scene?

8 A Correct.

9 Q Was it your job to make any contact with
10 him?

11 A Eventually it was. Essentially what
12 happens in an investigation of any kind, is that the
13 detectives will basically come together and a case
14 detective will be assigned.

15 In this case detective
16 was the case officer.

17 Q What does that mean, case officer?

18 A He'd be essentially the person that would
19 orchestrate and dole out assignments and be
20 responsible for the investigation as a whole. He
21 would be the one that would be writing the report
22 and like I said, making the assignments for other
23 detectives to do.

24 Q So you were assisting in the
25 investigation, he was the case agent or officer?

1 **A** Correct, that's correct.

2 **Q** All right. So you said it was going to be
3 your job to make contact with Officer Wilson?

4 **A** Yes. I was directed by Detective
5 to.

6 **Q** Detective ?

7 **A** Detective .

8 **Q**
9 works with St. Louis County?

10 **A** Yes.

11 **Q** Darren Wilson who is the
12 officer involved in the shooting?

13 **A** Yes, Officer Darren Wilson.

14 **Q** Okay.

15

16 **A** Yes, ma'am.

17 **Q** So you did, Detective told you
18 to make contact with Darren Wilson?

19 **A** Yes, he informed me that police officer
20 Darren Wilson was currently at the Ferguson Police
21 Department and then instructed me to respond there
22 and conduct a cursory interview with Officer Darren
23 Wilson.

24 **Q** Tell us what is a cursory interview?

25 **A** Essentially what a cursory interview is it

1 is an interview that is, it is detailed enough to
2 where I and the other detectives would understand
3 the sequence of events that occurred.

4 It is to tell us and inform us where
5 evidence might be located within the crime scene and
6 we use that as an investigative tool.

7 Q Do you tape cursory interviews?

8 A No.

9 Q Why not?

10 A It is just common practice that we do not.
11 It is basically an interview where I would approach
12 the individual, and it is done so even not just a
13 police officer involved shooting, we do them on
14 almost every investigation. Just to understand what
15 that person saw and what happened to better assist
16 us within the scene.

17 So that's kind of the reason we do
18 that.

19 Q Okay. Was it your responsibility to seize
20 any evidence at the scene?

21 A No. I was at the scene for maybe ten
22 minutes and then I was dispatched to Ferguson Police
23 Department.

24 Q Because you needed to talk to Darren
25 Wilson?

1 **A** Correct.

2 **Q** So do you go to Ferguson on your own?

3 **A** I do.

4 **Q** By yourself you go to Ferguson, what
5 happens then?

6 **A** Then I enter the Ferguson Police
7 Department. You enter on the street level and then
8 I went upstairs to their common area. I did knock
9 on the door, allowed entry by Lieutenant Colonel
10 who is a lieutenant colonel with the
11 Ferguson Police Department. And he escorted me back
12 to the Ferguson Police Department detective bureau,
13 which is a room about half the size of this.

14 **Q** Was anyone in that room?

15 **A** Yes, there was Lieutenant Colonel

16 I was then introduced by him to police
17 officer Darren Wilson, an attorney and
18 Detective

19 **Q** Do you know what their roles were we know
20 Darren Wilson why you were there to talk to him, do
21 you know what the other folks were there for?

22 **A** I assume that had just been working that
23 day, I never even asked. It didn't seem important
24 at the time.

25 **Q** It wasn't relevant to your investigation

1 what these other people were doing?

2 **A** Correct.

3 **Q** Did you talk to Darren Wilson in front of
4 these other people?

5 **A** I made basically just an introduction to
6 Darren Wilson. When I saw him, he was wearing full
7 uniform which consisted of a Ferguson Police
8 Department button down shirt and then dark blue
9 slacks. He then directed my attention to his duty
10 belt, which was off at the time sitting on the
11 floor.

12 **Q** I'm going to come back to the duty belt.
13 I want to know you did talk to Darren briefly?

14 **A** Very briefly, not about the actual
15 incident at that time.

16 **Q** At that time, so all the people were
17 allowed to remain or were there with you these other
18 people that you mentioned?

19 **A** They were.

20 **Q** In the same room?

21 **A** Yes.

22 **Q** So where was the duty belt?

23 **A** It was on the floor next to a desk right
24 next to where Darren Wilson was standing.

25 **Q** Did he have on a weapon?

1 **A** At the time, no.

2 **Q** At that time?

3 **A** No.

4 **Q** Did you see the weapon?

5 **A** I saw, he had informed me that after he
6 responded to the police station, he had packaged his
7 weapon and then he directed my attention to an
8 evidence envelope, which appeared to be sealed, it
9 was on the desk of Detective

10 **Q** You didn't inspect that envelope though?

11 **A** No, I did not.

12 **Q** So do you know whether there was even a
13 gun in the envelope?

14 **A** At that time I did not.

15 **Q** But at some time did you find out there
16 was?

17 **A** I did.

18 **Q** So he told you he packaged it?

19 **A** Yes.

20 **Q** And did you ask him why he packaged it or
21 did you discuss that at all?

22 **A** No.

23 **Q** Okay. Did he volunteer why he packaged
24 it?

25 **A** No.

1 **Q** Is that uncommon? Have you ever been
2 involved in an officer involved shooting before?

3 **A** I have not been involved in one, but I
4 have investigated multiple.

5 **Q** Okay. That was a better way to answer, I
6 didn't ask the question right. Because you've never
7 shot anyone, is what you are telling us?

8 **A** That's correct.

9 **Q** But you have been involved investigating
10 those shootings?

11 **A** Yes.

12 **Q** Is it customary for the person who was
13 involved, the officer that is involved in the
14 shooting to handle and package their own gun as
15 evidence?

16 **A** Well, with the St. Louis County Police
17 Department it is something that's not done, however,
18 we were called to investigate another police
19 department's incident. So at that time we were
20 unaware of any policies or procedures they have in
21 place that when we get there basically we have to
22 find out, I guess, and explore the possibility that
23 maybe that's part of their policy.

24 **Q** Did you explore that?

25 **A** At that time, no, I did not.

1 **Q** At any time?

2 **A** No, I did not.

3 **Q** So you don't know what their policy is?

4 **A** Correct, I do not. I just knew that
5 police officer Darren Wilson had told me that he had
6 packaged the weapon and it was currently in that
7 bag. Now, at that point in time I never checked to
8 verify that, it was done later.

9 **Q** Okay. In an investigation such as this,
10 ideally what should happen with the officer's gun?

11 **A** The way that, I can only speak to the way
12 St. Louis County would handle it.

13 **Q** Sure.

14 **A** Is that that officer would continue to
15 have his weapon in his holster until a detective
16 from the Crimes Against Person Unit, which is my
17 unit, a supervisor and a crime scene unit detective
18 would conduct what we call a download of the weapon.
19 And that's an inspection of the weapon to determine
20 how many rounds are left inside of the weapon.

21 So what would happen is we would ask
22 the officer to remove his weapon from his holster,
23 the magazine would be ejected, we would count the
24 number of rounds in the magazine, if there are any.
25 Then we would ask him to move the slide to the rear,

1 which would eject a round if it was chambered, and
2 what that means is there would be a round of
3 ammunition in the barrel of the weapon.

4 **Q** Okay.

5 **A** And then that would be photographed as
6 those steps were taking place.

7 **Q** Would the gun be returned to the officer?

8 **A** No, the weapon would then be seized by our
9 crime scene unit detective.

10 **Q** Until the investigation?

11 **A** Typically what would happen is that it
12 would go directly to our firearm lab. They do a
13 test fire, inspect the weapon and then at that point
14 it would be returned to the police officer.

15 **Q** Okay. So you're at the Ferguson station,
16 you see a weapon, the officer is dressed in his
17 uniform?

18 **A** Uh-huh.

19 **Q** Did you see any blood on the officer?

20 **A** At that time, no, I did not.

21 **Q** Did you see any injuries on the officer?

22 **A** I did.

23 **Q** What did you see?

24 **A** I could see there was reddening to the
25 left and right side of his jaw and it appeared that

1 the right side was slightly swelled, like the cheek
2 area, those are the two injuries that I saw
3 initially.

4 Q Did he talk to you about any injuries?

5 A No, that's just what I observed when I met
6 him.

7 Q Just to clarify, I don't know if I've
8 asked you this before, did you know Officer Darren
9 Wilson before this incident?

10 A No, I did not.

11 Q So that was your first time you had
12 encountered him?

13 A Yes.

14 Q Was at the Ferguson Police Department?

15 A Correct.

16 Q There was a decision made that he should
17 go to the hospital; is that correct?

18 A That's correct.

19 Q How did that come about, if you know?

20 A To my knowledge that was a decision made
21 by Lieutenant Colonel

22 Q When you arrived in Ferguson, were they
23 discussing that he was going to go to the hospital
24 or did that come up while you were there?

25 A From what it appeared, it was a

1 conversation that was taking place before and then
2 continued as I arrived.

3 So I heard basically the tail end
4 that Officer Darren Wilson would go to the hospital
5 and get treated.

6 Q And what did that mean as far as your
7 investigation was concerned?

8 A The way I would handle it with anybody,
9 victim, witness, suspect, anybody that we would talk
10 to is that if they are requesting medical treatment,
11 we would do that first, that's more important than
12 any statement we are going to get. And we can
13 continue the statement at the hospital, which
14 happens regularly. That we would follow them to the
15 hospital, meet them at the hospital and then get the
16 statement there while they're receiving treatment.
17 We would never hinder anybody from getting medical
18 treatment if they sought it.

19 Q So you had ended up going to hospital?

20 A I did.

21 Q What hospital was that?

22 A Christian Northwest Hospital located on
23 Graham Road in Florissant, Missouri.

24 Q You didn't ride along with the officer,
25 did you?

1 **A** No.

2 **Q** Did he drive himself or do you know?

3 **A** He rode with Lieutenant Colonel

4 those three individuals were in the
5 car at that time and I drove separate.

6 **Q** You all arrived at the hospital?

7 **A** Yes.

8 **Q** He's, I imagine, treated?

9 **A** Yes. If I can just back up one step.

10 **Q** Sure.

11 **A** Before we had departed, the Ferguson
12 Police Department, Officer Wilson did remove his
13 uniform shirt and draped it over a chair, which that
14 was essentially in Detective right
15 next to his desk. So that's kind of where the three
16 items that I would consider evidentiary value were
17 located and they were in his custody.

18 **Q** Did someone ask him to remove his shirt?

19 **A** What's that? I don't know if it was done
20 or not, however, he did remove his shirt and he
21 draped it over a chair.

22 **Q** The three items you are talking about are
23 the shirt, the belt?

24 **A** And the weapon.

25 **Q** And the weapon, okay.

1 **A** Yes.

2 **Q** Anything else before we go back to the
3 hospital?

4 **A** No, ma'am, sorry to go back.

5 **Q** No, I'm glad you did that because this is
6 important. So you tell us if I miss something, for
7 sure let us know.

8 **A** Sure.

9 **Q** So you got to the hospital, what happened
10 then?

11 **A** We were escorted to a trauma room and
12 while I was driving there I had contacted Detective
13 and he's with our crime scene unit, I
14 requested him to respond to Christian Northwest
15 Hospital, meet me there to photograph the injuries
16 of police officer Darren Wilson.

17 **Q** Did Officer meet you there?

18 **A** He did. When we arrived, like I said, we
19 were escorted to a trauma room. Initially within
20 the trauma room was myself, police officer Darren
21 Wilson, attorney Lieutenant Colonel
22 and Detective . Detective
23 asked Officer Wilson if it was okay for him
24 to photograph him. He agreed and he took several
25 photographs of the apparent injuries to his face,

1 neck and the back of his neck.

2 Q So Officer Wilson was cooperative with
3 your investigation?

4 A Yes.

5 Q I meant to ask you going back and going to
6 come right back to the hospital, when you first
7 encountered him, what was his demeanor?

8 A He was calm, collected. I didn't see that
9 there was any type of debilitating injury to where
10 it would prevent any type of interview, like a head
11 injury or something like that. He seemed to be
12 talking, making logical sense and talking like that.

13 So there was no concern that he had
14 some major head injury, I guess, from my own opinion
15 or appearance.

16 Q He never complained about his head being
17 injured?

18 A Not to the point where he would have not
19 been able to be interviewed.

20 Q Did he tell you he had a head injury?

21 A No.

22 Q When you go to the hospital, is his
23 demeanor about the same as it was at the station?

24 A Yes.

25 Q And he allows Officer to take

1 pictures of him?

2 **A** Correct.

3 **Q** And how does your interview begin with
4 him, your cursory interview?

5 **A** Essentially after Detective
6 concluded his investigation of taking the photos, I
7 asked Detective and Lieutenant Colonel
8 to step out of the room as they were to not
9 be present during the cursory interview.

10 **Q** What about his attorney?

11 **A** He remained in the room.

12 **Q** All right. And why did you ask the other
13 two to step out?

14 **A** We would, for one, privacy and two, on any
15 interview, it would be a one-on-one interview with
16 myself and any potential victim, witness or suspect.

17 **Q** And again, this interview was not
18 videotaped or audiotaped for that matter?

19 **A** That's correct.

20 **Q** So go ahead.

21 **A** Uh, I initially asked Officer Darren
22 Wilson if he would allow me to interview him. He
23 agreed.

24 During every police officer involved
25 shooting that we investigate, I ask a series of

1 almost standard questions that begin my interview.

2 Those questions are, were you on duty today?

3 He indicated he was.

4 What was your call sign if you were
5 to call out on the radio? His call sign was Frank
6 21 that day.

7 What sector he was assigned to.
8 Sector 1.

9 What is the beginning and end times
10 for his scheduled shift. He indicated he began a
11 shift at 6:30 in the morning and was scheduled to
12 end his shift at 6:30 at night.

13 What he was wearing. He indicated he
14 was wearing the uniform he currently had on and the
15 rest of it what he left at the station. And what
16 vehicle he was assigned that day. He said he was
17 assigned vehicle 108, which he describes as a fully
18 marked Ferguson patrol vehicle.

19 Q And is it your understanding that that
20 vehicle is actually a truck?

21 A Yes, it was a Chevy Tahoe.

22 Q How did you get into what happened did you
23 ask him what happened?

24 A Yes.

25 Q Tell us about that?

1 **A** Basically during the cursory interview, I
2 asked a very open ended question and allow that
3 person to just talk. Tell me, from basically start
4 to finish, what happened. And the only time I will
5 really interrupt if I need a clarifying question or
6 something I didn't understand it, I need time
7 catching up writing down what he's saying.

8 I just essentially asked Officer
9 Darren Wilson to describe what happened and where he
10 was at prior to the incident up through the
11 incident.

12 He tells me that he was leaving an
13 unrelated sick case call and was driving, it would
14 be west on Canfield Road. As he's driving he hears
15 a call that was not assigned to him for a stealing
16 in progress at 9101 West Florissant Avenue, and he
17 provides us with that address and the nature of the
18 call was a stealing.

19 He said that the call comments
20 indicated the suspect description was a black male
21 wearing a black shirt and brown shorts, and that an
22 additional call comment indicated that taken during
23 the stealing were Cigarillos.

24 **Q** Go ahead.

25 **A** I'm sorry. He continues and says he's

1 driving west down, continues west down Canfield Road
2 and he sees two subjects approaching from the area
3 of West Florissant and Canfield walking in the
4 center of the street.

5 I then ask Officer Darren Wilson to
6 describe the two subjects.

7 He describes one subject as a black
8 male, dark complexion, approximately 5 foot 5, with
9 short dreadlock style hair wearing a black T-shirt.
10 He describes the second male as a black male, medium
11 complexion, approximately 6 foot 3, approximately
12 270 pounds, clean shaven, wearing a red baseball
13 style cap, a gray shirt, khaki shorts and yellow
14 socks.

15 Officer Wilson then tells me that as
16 he's traveling west down Canfield Road, he stops his
17 patrol vehicle and allows the two subjects to
18 approach. So basically they're walking towards the
19 front of his patrol vehicle.

20 Q Did he indicate whether they were walking
21 single file or side by side or anything?

22 A He never did and I didn't ask. He just
23 says they were walking down the center of the
24 street.

25 Q Okay.

1 **A** He says at this time his driver's window
2 is down, fully down. The, he allows the subjects to
3 approach and then says to the two subjects. "Hey,
4 why don't you guys walk on the sidewalk." And
5 that's what he quoted, that's the quote that he
6 said.

7 **Q** Did he say anything about whether he
8 thought this was a confrontation or it was an angry
9 exchange or did he not refer at all?

10 **A** He didn't elaborate, he just said that I
11 stated.

12 **Q** Okay, go ahead.

13 **A** He says right after he makes that
14 statement, the shorter male says, "we're almost to
15 our destination." And then it's quickly followed by
16 the larger male stating, "the fuck with what you
17 have to say", and he quotes that. And then they
18 continue to walk past his vehicle, which would be
19 east on Canfield.

20 **Q** At that point does he say that he
21 investigates these two for stealing Cigarillos, does
22 he mention anything to them about the theft?

23 **A** He doesn't say anything like that to me.

24 **Q** Okay. Go ahead.

25 **A** Officer Wilson, Officer Darren Wilson then

1 tells me that he got on his radio and says that he's
2 going to be conducting, notifies his dispatcher he
3 is conducting a pedestrian check and he requests an
4 assist car.

5 He then places his vehicle in reverse
6 and backs up towards the subjects. He places his
7 car in park, I'm sorry. As he attempts to exit his
8 vehicle he says, "hey, come here." That's a quote
9 that he used, "hey, come here."

10 As he's opening his door he feels the
11 door get slammed shut and then realizes the larger
12 of the two subjects pushed his driver's door closed.

13 He then tells the large subject to
14 get back and to move, and attempts to open the door
15 a second time. The door is then forced shut again,
16 and he describes that the larger subject is standing
17 at his driver's door with both hands on the door
18 frame of the vehicle like where the window would
19 come up is how he describes it.

20 And then Officer Wilson orders the
21 subject, or the subject to get back again. And
22 those are his words, get back and move is what the
23 two words that he's using.

24 Officer Wilson then tells me that the
25 subject then enters through the opened driver's door

1 window with his upper body. And he details it is
2 his upper body and both of his arms.

3 The subject, according to Officer
4 Darren Wilson, begins striking him in the chin,
5 face, shoulders and chest. As he described it is
6 the subject was swinging wildly.

7 During this time Officer Wilson's
8 trying to deflect the punches with his left hand
9 while giving the subject commands to get back and
10 move and stop.

11 After that, Officer Wilson, he
12 continues and states that subject then reaches
13 backwards with his left hand, and basically removes
14 his left hand and arm from the vehicle and hands
15 something to the other subject and says, "here, take
16 this," is what Officer Wilson says that he hears the
17 larger subject say.

18 He did not, nor did I ask, describe
19 what he thought was handed off, but he said that he
20 handed something.

21 He continues that immediately after
22 the subject says, "here, take this." He then
23 quickly moves his left arm and hand back into the
24 vehicle and then punches Officer Darren Wilson in
25 the right side of the face.

1 Officer Wilson then tells me that
2 this instantly stunned him and he starts basically
3 backing away and leaning back. Officer Wilson tells
4 me he continues with his left hand and forearm to
5 try to deflect the punches that he's being hit with
6 and then he starts going, as he puts it, through the
7 progression on his belt.

8 He thinks about grabbing his mace,
9 which is situated on his duty belt, however, he is
10 in a seated position and he can't retrieve it and it
11 is on the right side of his belt.

12 He then considers using an asp baton.
13 What an asp baton is, is a retractable baton that's
14 standard issue for law enforcement. He says that he
15 believed that due to the confined space from within
16 the patrol vehicle, that it would be an ineffective
17 tool.

18 And at this point I believe I asked
19 Officer Darren Wilson if he thought he could escape
20 any other way? And he says no.

21 He describes the interior of the
22 patrol vehicle or the Tahoe as having a computer and
23 a radio and a shotgun in the center console, which
24 prevented him from being able to climb over or get
25 out of the passenger side of the vehicle.

1 I asked Officer Darren Wilson to
2 continue. He stated that he then used his left
3 forearm, again, to try to create space between
4 himself and the subject, and then he retrieves his
5 department issued firearm from his holster, which is
6 situated on the right side of his belt.

7 Q Did he say, or do you know, he said the
8 mace is situated on the right side of his belt and
9 the gun is situated on the right side of the belt,
10 correct?

11 A The mace was on the left side.

12 Q I thought you said the right side.

13 A The mace was on the left side, his
14 department issued firearm is on his right side.

15 Q Okay, thank you. You can go on.

16 A He then removes his department issued
17 firearm from his holster and begins to raise it and
18 as he's raising it he yells, he said he yelled, stop
19 or I'll shoot.

20 Officer Wilson then tells me the
21 subject then grabs with his hand the top of the
22 slide of the firearm. And he says that his hand is
23 large enough to encompass the top of the slide. The
24 majority of the hand grips and the trigger guard,
25 and that's with Darren Wilson, he says his hand is

1 on it, Darren Wilson's hand is on the weapon.

2 The subject then responded with,
3 "you're too much of a pussy to shoot me." And that
4 was a quote from Darren Wilson.

5 Q Did he give you any of his opinions or
6 thoughts about what was going on when he says, "you
7 are too much of a pussy to shoot me," or did he just
8 kind of tell you what happened?

9 A Just told me what happened.

10 Q Okay.

11 A The subject makes that statement. And
12 then immediately following that statement, the
13 subject then forces the firearm in a downward angle
14 and Officer Darren Wilson tells me he can feel the
15 barrel of his own firearm pressed against his left
16 hip as he is in the seated position.

17 Officer Wilson then continued stating
18 that once he felt the barrel of the weapon pushed
19 into his hip, he was able to shift his lower half to
20 the right and basically get the barrel of the
21 firearm to now be pointed at the seat and off of his
22 hip.

23 He then with his left hand, with his
24 right hand on the gun, on the handgrips of the gun,
25 and he takes his left hand and puts it on the side

1 of the frame of the weapon. And then is able to
2 push it away from him to where the weapon is now
3 pointed at the driver's door.

4 He says that he then pulls the
5 trigger and nothing happens, the gun misfires.

6 He continues by stating that he
7 believed that due to the subjects hands being on the
8 top of the slide and on the trigger, I'm sorry, on
9 the hammer, that's what caused the gun to misfire.

10 Officer Wilson continues and states
11 that he then pulled the trigger again, at which time
12 one round of ammunition was fired.

13 Immediately following that, he sees a
14 large explosion of glass and then looks down and
15 sees what he believed was blood on his hands. He
16 said at that point he didn't know if he was injured
17 or the subject was injured, just knew that he saw
18 blood.

19 Officer Wilson continued that the
20 subject hands were still on the gun and he pulled
21 the trigger two more times and it misfired both
22 times.

23 The subject then reentered the
24 vehicle and assaulted Officer Darren Wilson by
25 punching him several more times in the face and then

1 stopped the assault and ran eastbound on Canfield
2 Road away from the vehicle.

3 Q So one shot you said was fired inside,
4 while he was sitting inside the vehicle?

5 A Yes.

6 Q Okay. And he considered, he realized he
7 could not escape, I'm not saying he should escape,
8 he considered that he could go to the left side or
9 passenger side, he was blocked by the shotgun or?

10 A Yes, he describes that there's a computer,
11 a large center console with a radio and like the
12 controls to the light bar and siren, and then a
13 shotgun. And there's just no means of escape
14 through the passenger side of the car.

15 Q But he said he did consider that?

16 A Yes.

17 Q Did he get over to the other side?

18 A He said he was unable to.

19 Q He was what?

20 A He was unable to.

21 Q But he considered that is what you said he
22 said?

23 A Yes.

24 Q Okay. All right. So go ahead, so now the
25 suspect is running east?

1 **A** Yes. He says that the subject is then
2 running east on Canfield, and Officer Darren Wilson
3 then exits his vehicle and upon doing so, he says he
4 radioed to his dispatcher that shots were fired, and
5 he continued to exit the vehicle.

6 He says he observed the subject
7 running east on Canfield at which time he pursued on
8 foot.

9 He says after, or during this chase,
10 he's giving the subject loud, verbal commands as he
11 puts it, to stop and to get on the ground.

12 Officer Wilson then tells me that the
13 subject then stops and turns around. He estimated
14 the distance was approximately 30 feet from him.

15 So at that time Officer Wilson
16 stopped in the street and then began to order the
17 subject to stop and get on the ground.

18 He continues and tells me that as he
19 turns around, the subject has, as he quotes it, "an
20 intense and psychotic look on his face." The
21 subject then takes his right hand and moves it
22 towards his waistband on the right side.

23 Officer Wilson then says the subject
24 screams something inaudible, doesn't know what he
25 said, but just screams something and begins to

1 charge him. And that's Officer Wilson's word was
2 charge.

3 As the subject is moving towards him,
4 he is giving him, continually giving him commands to
5 stop. As he is backpedaling to try to, as he says,
6 try to maintain the distance between the two.

7 He then continues and states that he
8 knew if the subject were to reach him, that he
9 would, and he quotes, "he would be done." Meaning
10 that Officer Wilson would be done. He knew, he
11 immediately stated he knew he was overpowered and
12 assaulted already one time in the vehicle.

13 Officer Wilson continued and stated
14 as the subject got within 15 feet of him, he
15 discharged five rounds of ammunition. He said that
16 this had no effect and the subject continued towards
17 him.

18 Q Did he indicate whether, did he, he may
19 not have, indicate whether or not any of the five
20 rounds entered the body of Michael Brown?

21 A He did not know, nor did I ask. He just
22 said that the subject continued to come towards him.

23 Q Did he indicate to you how, when the
24 subject turned around, I think you said that he put
25 his arms some kind of way and charged him?

1 **A** He says that --

2 **Q** Can you demonstrate that for us?

3 **A** I'm sorry?

4 **Q** Did he show you how?

5 **A** Officer Wilson kind of spoke with his
6 hands and he does demonstrate that the subject --

7 **Q** Can you stand up and show us, please?

8 **A** Yes. When the subject turns around, his
9 right and goes to his waistband. Now, he did not
10 say in his waistband or he just says to his
11 waistband.

12 And like we kind of covered earlier,
13 the cursory interview is not to get, it is more so
14 for the physical evidence to assist the
15 investigators on the scene.

16 So any clarifying questions would
17 have been done during an audiotaped interview,
18 which occurred later on.

19 **Q** Okay. Let me show you, but he put his
20 right hand near his waistband?

21 **A** Towards his waistband.

22 **Q** Nothing specific about his left hand?

23 **A** Doesn't say anything about it.

24 **Q** Okay, all right. He lets off, I think you
25 said, five more shots?

1 **A** Yes, he says that the first shots were
2 five, he believes it was approximately five rounds
3 of ammunition and the subject continued towards him.

4 He then discharged two additional,
5 approximately two additional rounds of ammunition,
6 and he said those had no effect and the subject
7 continued towards him.

8 He then states that the subject
9 started to lean forward and to Officer Darren Wilson
10 appeared that the subject was attempting to tackle
11 him, and that's his word was tackle. At which time
12 he discharged one additional round of ammunition.

13 Officer Wilson stated he then used
14 his radio and notified his dispatcher, and I believe
15 his quote was, "send me every car you've got and the
16 supervisor."

17 **Q** Did he indicate that he knew where that
18 last round landed?

19 **A** He said he believed it hit him in his
20 head.

21 **Q** Have you ever heard any of the radio
22 transmissions?

23 **A** Afterwards, yes, I have.

24 **Q** All right. It was part of your
25 investigation to listen?

1 **A** I listened to bits and pieces, but as far
2 as a continual listening to every piece of radio
3 traffic, no, that was not my responsibility.

4 **Q** What part of the radio traffic were you
5 interested in listening to?

6 **A** I believe it was just random bits to see
7 what all that we had. So from at the very beginning
8 would be him being dispatched to the sick case
9 through the end of when St. Louis County basically
10 departed the scene.

11 There was no specific pieces of radio
12 traffic that I was either interested in or
13 documented.

14 **Q** But you listened to the radio traffic from
15 the sick case to when St. Louis County came on the
16 scene?

17 **A** Not completely through.

18 **Q** Okay.

19 **A** I don't know if I said that right, but
20 just to see where it started and where it ended.

21 **Q** I see.

22 **A** I didn't listen to anything in between.

23 **Q** Okay. Did he ever, I think you said that
24 when he saw his right hand go to his waist, did he
25 say he thought he had a weapon?

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1 **A** I'm sorry?

2 Q Did he say that he thought that Michael
3 Brown had a weapon?

4 **A** He didn't know.

5 Q He didn't know?

6 **A** He did not know.

7 Q That was his concern?

8 **A** Yes.

9 Q When he put his hand to his waist?

10 A Yes.

11 Q He did say that?

12 **A** He said due to the assault and not knowing
13 that he was concerned.

14 Q Okay. Does he ever mention anything about
15 some Cigarillos?

16 **A** Are you speaking of Officer Darren Wilson?

17 Q Yes.

18 **A** The only thing he mentions about
19 Cigarillos was during his recollection of the
20 initial call, comments for the stealing in progress
21 at 9101 West Florissant. It was never addressed
22 after that or brought up.

23 MS. WHIRLEY: Questions?

24 : . When you
25 mentioned the struggle inside the vehicle with the

9 : Did you
10 state that after the first shot went off in the car
11 when he was trying to gain control of his weapon,
12 that it misfired two more times?

18 : Okay, thank you.

19 The first
20 misfire he said was because Michael's hand was on
21 the gun, what about the second and third one, was
22 there still that contact going on?

23 **A** He says that that's what he believed.
24 Now, I'm not a firearms expert nor was I there, but
25 he says that he believes that that's what caused the

1 misfire.

2 Throughout this he never says that
3 Michael, the subject, takes his hand off the weapon
4 until he continues the assault, the second assault
5 in the vehicle.

6 Just to follow-up, did you
7 have a sense for how long that altercation lasted?

8 **A** He approximated a minute from start to
9 finish.

10 : . When we
11 talk about misfire, can you kind of walk us through
12 that process what it looks like?

13 **A** Sure. So there's many reasons. And like
14 I said, I'm not a firearms expert, however, in my
15 job I do carry a firearm and know some things about
16 it is that a weapon can misfire for many different
17 reasons.

18 One of them being if there's anything
19 that is impeding the hammer of the firearm from
20 coming forward and striking the firing pin, that
21 will cause the weapon to misfire. So if you put
22 anything in there, a piece of rope, or as the case
23 may be, if a hand is pushed down on that hammer, it
24 won't let that hammer cycle and won't allow the
25 weapon to fire. Does that clarify it?

1 : Yeah,

2 So the bullet would remain in the gun, it
3 would not have impacted, it potentially would be
4 able to be shot again, there would no casing
5 discharged?

6 **A** Correct. So if the weapon misfires in
7 that form, the casing will not be discharged, the
8 round that is currently in the chamber will still be
9 a live round, it will still fire if the gun cycles
10 properly the next time.

11 Okay, thank you.

12 MS. ALIZADEH: I have a follow-up question
13 about that. And you're familiar with the Sig Sauer
14 weapon that this officer was carrying?

15 **A** I am.

16 **Q** (By Ms. Alizadeh) And this is a weapon
17 that when it fires properly, the empty cartridge is
18 ejected from the gun ejection port, right?

19 **A** Yes.

20 **Q** And that's on top of the weapon, at least
21 in the area where Officer Wilson said Michael Brown
22 had his hands, correct?

23 **A** That is correct.

24 **Q** Can you explain to the jurors what
25 stovepiping means?

1 **A** Stovepiping is a term used in firearms
2 where the round, a live round will be, it could be a
3 spent round also, casing is basically partially
4 ejected and is situated in a manner that looks like
5 the round is sitting vertical on the gun. If I'm
6 explaining this right, to where it would look like a
7 stovepipe coming out of an oven. And that basically
8 means that the casing was not fully extracted from
9 the chamber and the gun did not cycle properly.

10 **Q** And is it possible, again, we will have a
11 firearms expert testifying about this, has that ever
12 happened to you?

13 **A** At the range, yes. I mean, it is a
14 malfunction that is not common, but it does occur.

15 **Q** And so if there would be something
16 blocking that cartridge from flying out of that
17 ejection port, it could be stuck inside partially in
18 and out of the weapon, correct?

19 **A** Yes.

20 **Q** And if that were to occur, would you be
21 able to discharge another round with that
22 projectile, that cartridge still partially in that
23 ejection port?

24 **A** No. And also when that casing is
25 stovepiped, it allowed, the gun is out of battery,

1 which means it won't cycle again. So you would have
2 to clear the malfunction, and there's a drill that
3 they train us on of how you would have to clear the
4 stovepipe, the round.

5 I'm . This
6 is going back to the time that you arrived at the
7 Ferguson Police Department to speak with Officer
8 Wilson, Darren Wilson. And at the time you said he
9 showed you where his gun, where he says that his gun
10 was contained in his package.

11 **A** Uh-huh.

12 : Can you describe that
13 package for us?

14 **A** I can. It is a manila envelope, which is,
15 I'd probably say 9 by 13 size, and what it looked
16 like is I didn't see if it was sealed because the
17 way it was positioned on the table is that the flap,
18 I guess for it, was positioned down, if that makes
19 sense.

20 : Yeah, that is what I
21 wanted to know.

22 **A** Sure.

23 : I need clarification if it
24 was sealed or not. And from the time of the
25 incident until the time that Officer Darren Wilson

1 was transported to Christian Northwest to document
2 his injuries or whatever, can you give me some idea
3 about how much time had elapsed from that point to
4 the point that he arrived at the hospital?

5 **A** Well, the only thing I could speak of is
6 the time that we were notified at this point. I
7 don't exactly know what time the incident occurred
8 and what time he departed the scene, it wasn't part
9 of my responsibility or my interview at the time.

10 I know that we were notified at
11 12:43. I arrived at 1:30 on scene and I first
12 contacted Officer Darren Wilson at 2:00 p.m.

13 The conversation at Ferguson Police
14 Department lasted minutes, not long at all and then
15 he was transported to Christian Northwest Hospital.

16 MS. WHIRLEY: How long would you say, how
17 much time did you spend with him at Christian
18 Hospital.

19 **A** I probably say 30 minutes. Obviously it
20 took some time to get photos taken and then any time
21 that either a registration nurse, a physician's
22 assistant or nurse would enter the room, the
23 interview would basically just stop for privacy
24 reasons. That would be common practice even if it
25 was a normal investigation.

1 . So from
2 the time that you finally left him at the hospital
3 or whatever.

4 **A** Uh-huh.

5 : Do you know about what
6 time that was?

7 **A** I probably say I left probably between
8 2:45 and 3:00. From that point I returned back to
9 the Ferguson Police Department.

10 Yes, ma'am.

11 : During
12 the scene, the time that the officer was still
13 positioning his car, struggling with Mr. Brown, did
14 he ever indicate that he was trying to call for
15 help?

16 **A** I'm sorry?

17 : Did he ever say that he
18 was trying to call for help or backup?

19 **A** He did not. He said that initially even
20 before, as you put it the altercation took place, he
21 says that he requested, advised the dispatcher he
22 was conducting a pedestrian check and then he
23 requested an assist car at that point before the
24 confrontation at the vehicle ever took place.

25 : So when an officer in his

1 position will call for help, does he have a
2 microphone here or radio dispatch on his waist?

3 **A** In a later interview with Officer Wilson,
4 we found that he keeps the radio on his right side.

5 MS. ALIZADEH: You are pointing to your
6 left side?

7 **A** I'm sorry, it is on his left side, I
8 apologize. I'm sorry, on his, thank you, his left
9 side. And then there would be a radio inside of the
10 vehicle also.

11 : So still . He
12 gets out of the car and he tells him to halt, but he
13 says the victim kept running. So at that time he
14 still had not called for backup?

15 **A** He says that as he's exiting the vehicle
16 he announces shot fires and requested assistance at
17 that point. That would be once he is getting out of
18 the car.

19 He's --

20 **A** I'm sorry?

21 Did he fire once he got
22 out of the car or did he call and then fire?

23 **A** No, he, okay he, I'm trying to explain it
24 to where. So essential what happens is after, he
25 tells us that after the first shot that went off

1 while he was in the vehicle, the subject comes back
2 in and assaults him and then takes off running east
3 on Canfield away from the car.

4 : Uh-huh.

5 **A** Officer Wilson then tells us that he opens
6 his door and as he is exiting the vehicle, he gets
7 on his radio and announces, or notifies his
8 dispatcher of shots fired and requests an assist
9 car.

10 So at that point that would be his
11 second, as he puts it, second radio transmission
12 regarding this incident announcing where he
13 announced shots fired and requested assistance at
14 that point.

15 So what did he say would
16 be his reason to keep firing after he got out of the
17 car and calling for help?

18 **A** Okay, uh --

19 : If the suspect is running,
20 then what would be your initial reason to keep
21 shooting?

22 **A** As Darren Wilson describes it, the subject
23 turned around at that point. He doesn't tell us
24 that he fired any rounds from the time that he got
25 out of the car to the time that the subject turns

1 around. He just announces on the radio that shots
2 were fired.

3 And from being a police officer as
4 long as I have, that's the same thing as an officer
5 needs aid, requesting immediate assistance, if you
6 hear, you are a neighboring police officer and you
7 hear any police officer and yell shots fired, that
8 means that obviously something bad has happened.

9 : I guess
10 at the point where Michael Brown turned around, did
11 Officer Darren Wilson, did he indicate he had any
12 injuries?

13 **A** He doesn't, he doesn't say. Are you
14 talking about Officer Wilson or the subject?

15 : The subject.

16 **A** He doesn't say nor do I ask. He just says
17 he turns around and then the hand goes to the right
18 side of his waistband. He never says that he saw
19 any injuries on the subject nor did, like I said,
20 nor did I ask.

21 : After the shot
22 was fired in the car, you said he saw blood on his
23 hand. Was Officer Wilson referring to his own hand
24 or Michael Brown's hand?

25 **A** He was referring to his own hands. So

1 that's when he says, he tells me that he didn't know
2 if he was injured, as far as he being Officer
3 Wilson, or the subject was injured. He didn't know,
4 he just saw the blood.

5 : . You said you've
6 investigated several officer shootings, is it
7 typical that prior to your arrival, that the officer
8 already has a lawyer there?

9 **A** It can happen. I mean, it does happen on
10 certain occasions and it would not impede us or
11 change anything with the way we proceed. I mean, we
12 would ask every police officer, just like we ask
13 every victim or every witness or every suspect, if
14 they would be interested in having a conversation or
15 if they would be okay with an interview.

16 And we just assume that the attorney
17 would and with what happened is, his attorney sat
18 there and didn't say a word.

19 : And this case there isn't
20 say, for instance, Ferguson Police Department, there
21 isn't a lawyer staffed in the building readily
22 available, it would have been just like anyone else,
23 it would have been called in on Saturday, I imagine?

24 **A** I'm sorry to interrupt you.

25 : No, no.

1 **A** I believe the attorney, is
2 an attorney for the FOP, which is the Federal.

3 MS. ALIZADEH: Fraternal?

4 **A** Fraternal Order of Police's attorney, I'm
5 sorry. Basically he is, I don't want to say
6 on-call, it is not the right word, but if a critical
7 incident happens, the police officer, if a member,
8 can call him any time.

9 : Thank you.

11 Stovepiping.

12 **A** Yes.

13 You said the casing is
14 not fully discharged from the weapon?

15 **A** Uh-huh.

16 : It kind of looks like a
17 stove, like a stovepipe on top of the gun?

18 **A** Uh-huh.

19 : It cannot be discharged
20 again until that's taken apart?

21 **A** The gun doesn't have to be taken apart.

22 Until the casing,
23 whatever, is taken off?

24 **A** Right, it would have to be, the
25 malfunction drill is, you have to remove the

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1 magazine, lock the slide to the rear, which would
2 remove the stovepipe round and the round that was
3 somewhat forced into the chamber, or the barrel of
4 the gun. You would have to reinsert the magazine
5 and then put the slide forward and that would
6 chamber another round.

7 So it's a three or four step process
8 too, if a weapon does stovepipe, to clear that
9 malfunction.

10 If a gun was, if a weapon
11 was, a shot was fired inside the car that there
12 would be a spent casing inside the car or could it
13 exit the window?

14 **A** It could definitely eject through the
15 window.

16 The window that's in
17 front of you?

18 **A** Yes, it could have, in just my experience,
19 casings could end up in very odd places. It will
20 eject, and it could bounce off something, you know,
21 there is plenty of obstructions inside of a car, any
22 typical car a steering wheel, the dashboard, it
23 could end up anywhere.

24 Or moving body?

25 **A** A moving body, yeah. It could have been,

9 **A** Okay.

12 **A** Uh-huh.

15 **A** Uh-huh.

19 **A** Okay. On Darren Wilson's belt
20 specifically?

22 **A** It was, the mace on the left side, his
23 radio was on that side also.

25 **A** There is a, it is more like a utility belt

1 loop where you would either hang a flashlight or you
2 can put a spare set of handcuffs on it. And then on
3 the back side, I believe there was a set of
4 handcuffs and his duty holster on his duty belt was
5 on his right hip. On the right side, but in the
6 front are two additional, it is called a magazine
7 pouch and it carries two reserve magazines for your
8 pistol.

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9          Anywhere for the mace or
10 whatever?

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11 **A** The mace is right here.

12 : The mace is on the left?

13 **A** It is on the left.

14 : Okay.

15 **A** That's the situation, I guess, of his duty
16 belt.

17 : Okay, thank you.

18 : . Getting back
19 to the positioning of the shooting. When Michael
20 Brown turned around, Officer Darren Wilson said he
21 was approximately 30 foot between them?

22 **A** (Nods head.)

23 : As Michael Brown charged
24 towards him, he backed up to keep the distance.
25 Does he indicate that Michael Brown was closing

1 distance on him?

2 **A** He says that, and I don't want to make an
3 assumption, I'm just telling you what he says. The
4 distance started at 30 feet and then it was reduced
5 down to 15 feet.

6 MS. WHIRLEY: If there are no other
7 questions, you did actually do a recorded interview
8 with Michael Brown; is that correct? (sic)

9 **A** I did.

10 **Q** (By Ms. Whirley) And who was present
11 during that interview?

12 **A** It was myself, Detective
13 who was the case detective, police officer Darren
14 Wilson and his attorney

15 **Q** Any idea how long that interview was?

16 **A** I'd say roughly 30 minutes.

17 **Q** 30 minutes, okay. We're not going to ask
18 you to sit through the interview, I was just setting
19 it up because you are the person that actually did
20 that interview.

21 Any other questions?

22 MS. ALIZADEH: I do want to ask about that
23 interview as well. So that is recorded and we're
24 going to play that later.

25 The interview actually was primarily

1 conducted by wouldn't that be fair to
2 say?

3 **A** Yes.

4 MS. ALIZADEH: You were present and also
5 asked questions, but is the primary
6 speaker or the primary questioner I would say,
7 correct?

8 **A** Yes.

9 MS. ALIZADEH: And that was video or audio
10 recorded?

11 **A** Audio recorded.

12 MS. ALIZADEH: Now, you will sometimes
13 video record homicide suspects; is that correct?

14 **A** That's correct.

15 MS. ALIZADEH: And you an interview room,
16 several interview rooms over at your headquarters
17 that are equipped with video cameras and that are
18 for that purpose, interviewing suspects, correct?

19 **A** Yes.

20 MS. ALIZADEH: Why didn't you video record
21 his, and I don't know if it was your decision or
22 another officer's decision, do you know why he was
23 not put in an interview room and interviewed like
24 you would a suspect in a homicide?

25 **A** Our interview rooms are small, they're

1 kind of that way for a reason. They are 4 feet by
2 6 feet. And with just one interviewer and a person
3 being interviewed, is very tight.

4 So with two detectives, a person
5 being interviewed and their attorney, that room,
6 those rooms are just not conducive for that type,
7 the amount of people.

8 So the room that we chose to use is a
9 small conference room with a table and about six
10 chairs that are around it. So it was more
11 accommodating, we would use that option if we needed
12 it on any interview.

13 MS. ALIZADEH: And so there was an audio
14 recording made of that interview, correct?

15 **A** That was done at the St. Louis County
16 Police Headquarters within the office of the
17 Division of Criminal Investigation, which is where
18 our offices are.

19 MS. ALIZADEH: Also just to clarify, you
20 are now aware that the FBI is conducting an
21 independent investigation into civil rights
22 violations, correct?

23 **A** Yes.

24 MS. ALIZADEH: I'm not going to get into
25 the date that that began or anything like that, but

1 when you did your interview at the department
2 headquarters in the conference room, the one we are
3 going to listen to, was FBI conducting joint
4 interviews at that time?

5 **A** At that time, no.

6 MS. ALIZADEH: Okay. Now, after that
7 date, at some point during this lengthy
8 investigation, was there a decision made between
9 your superiors and people with, you know, the feds
10 that if at all possible, it would be better that you
11 all conduct joint interviews?

12 **A** Yes.

13 MS. ALIZADEH: But the feds were not
14 involved in the interview that Darren Wilson gave at
15 your headquarters in the conference room?

16 **A** Correct.

17 MS. ALIZADEH: Okay.

18 : . I just
19 want to clarify, that interview, the recorded
20 interview was with Officer Darren Wilson?

21 **A** Yes, Officer Darren Wilson and Detective

22

23 I may have misheard.

24 **A** No, that's okay.

25 MS. ALIZADEH: We haven't heard it yet,

1 just so you know.

2 MS. WHIRLEY: Put on the
3 record, clarify what you said.

4 I think Sheila may have
5 said did you do an interview with Michael Brown.

6 A Oh, I'm sorry.

7 MS. WHIRLEY: If I said that, that was, of
8 course, incorrect.

9 A Yes.

10 MS. WHIRLEY: You did an interview with
11 Darren Wilson?

12 A I'm sorry.

13 MS. WHIRLEY: So thank you,

14 MS. ALIZADEH: And that, of course, the
15 interview with Darren Wilson, conducted by county
16 police officers we will play for you later today.

17 Any other questions of this officer before
18 he is to leave?

19 : One last
20 question. After your initial interview, the cursory
21 interview, did you return back to the scene and
22 report or how does that work?

23 A What occurred is I returned, I left
24 Christian Northwest Hospital and returned to the
25 Ferguson Police Department initially. While I was

1 there, I waited maybe 10, 15 minutes for Officer
2 Wilson to return and Lieutenant Colonel to
3 return.

4 It was at that point when they did
5 return, we seized, when I say we, I'm referring to
6 Detective seized the uniform worn by
7 Darren Wilson during the incident. And that's at
8 which time his weapon was seized and it was in that
9 evidence envelope or that manila envelope that we
10 had talked about earlier. So that's when the weapon
11 and uniform were seized.

12 Following that, I did return to the
13 scene there on Canfield Green Apartment Complex.
14 The reason for that is, goes hand in hand with our
15 cursory interview. The way I explained it earlier
16 is that with the information that I obtained through
17 the cursory interview, I provide that to Detective
18 so that it will allow the members of the
19 police department at the scene to make sure we have
20 encompassed everything that might be involved.

21 So they have a statement that will
22 either, you know, if they need to look over here for
23 evidence or over there, they know based on the
24 cursory statement. We would do that with any
25 witness or anybody that could give us any

1 information, we'll use that to, influence is the
2 wrong word, make us look in the right spot, if you
3 understand what I'm saying, I'm sorry.

4 : .

5 **A** Yes.

6 : Do you feel that the way
7 the weapon was handled before it got to your St.
8 Louis County investigator, compromised the
9 investigation in any way?

10 **A** No, it is just different than what St.
11 Louis County would do. However, chain of custody
12 was maintained and that's really the only thing that
13 would be important to me as an investigator that it
14 went from Officer Darren Wilson, to Detective
15 to Detective those are
16 the chains that, obviously, I would be concerned
17 about. It appeared that it was maintained, so.

18 MS. ALIZADEH: And also looking at my
19 notes I neglected to ask, you've mentioned that you
20 investigated a number of police officer involved
21 shootings?

22 **A** Correct.

23 MS. ALIZADEH: And have you interviewed
24 the police officers involved in those shootings?

25 **A** On some of them.

1 MS. ALIZADEH: And in your experience, is
2 it unusual for the officer to not be able to
3 accurately recall how many or the sequence of shots
4 that were fired during the critical incident?

5 A Not at all, it is actually common.

6 MS. ALIZADEH: Okay. Nothing further.

7 A Thank you very much.

8 (End of the testimony of Officer
9)

10 (Recess)

11 MS. ALIZADEH: This is the 16th of
12 September, the time is approximately 1:16. This is
13 Kathi Alizadeh with the prosecutor's office.
14 Present are all 12 jury grand jurors, as well as the
15 court reporter, Sheila Whirley has stepped out.

16 To begin the afternoon session what I
17 would first like to do is to play an audio file that
18 is contained on Grand Jury Exhibit Number 17.
19 Remember, this is one of those I renumbered. I
20 think it used to be 9 or 10, but anyway, it is now
21 Grand Jury Number 17. I'm going to play a recording
22 of an interview of Darren Wilson and the interview I
23 have transcripts that I'm going to pass out.

24 Again, if you will to take one and put
25 your juror number in the corner. Before I actually

1 start this, this interview is the interview that
2 talked about that was recorded in a
3 conference room at the police headquarters.

4 And so as you can see from the transcript,
5 the main speakers are Detective and in the
6 transcript that is DET. and then when Darren
7 responds it is D. Wilson.

8
9 They both have the distinctive voices
10 and hopefully it won't be too confusing for you to
11 tell who is speaking.

12 Also during the interview you will hear
13 that they give Darren Wilson a map to write on and
14 then also a photo lineup that they ask him if he can
15 identify somebody.

16 So that happens later in the interview.
17 I'm going to let you guys look at those and I can
18 put them up on the screen if you like, but those are
19 what is being referenced when they are talking and
20 those are copies.

21 : .
22 Miss Kathi, is this Ferguson or St. Louis County
23 interviewing him?

24 MS. ALIZADEH: Detective is with
25 the County Police Department, and I think he

1 announces that in the beginning paragraph who is
2 with, who is present and who they're with.

3 And also, I'm going to tell you because we
4 have another witness that's here that we need to
5 meet with briefly, and Sheila and I both need to do
6 that, I'm going to start this and I'm going to walk
7 out. I would ask that you not deliberate or
8 anything while I'm gone because is still here
9 and he's going to just be present while this is
10 being played and then if we're not back in 30
11 minutes, which I can't imagine it is going to take
12 30 minutes, when we come back we'll stop it. If it
13 stops before, then we'll just, said he would
14 then just leave the room so he is not sitting here
15 alone with you all.

16 If by chance we're not
17 back when this ends, you know it will start over
18 from the beginning automatically, so you can just
19 click the pause or that square to stop it.

20 (This is the audio recording being played
21 at this time.)

22 MS. ALIZADEH: Is there any part of this
23 that you all want to hear again or hear it again in
24 its totality? And again, this is available for you
25 to listen and the transcripts are for you to keep in

1 your materials, all right.

2 So you ready for the next witness?

3 Can I take a quick

4 bathroom break?

5

6 of lawful age, having been first duly sworn to

7 testify the truth, the whole truth, and

8 nothing but the truth in the case aforesaid,

9 deposes and says in reply to oral

10 interrogatories, propounded as follows, to-wit:

11 EXAMINATION

12 BY MS. ALIZADEH:

13 Q Could you state your name and spell it for
14 the court reporter?

15 A

16

17 Q And just in case I slip, you go by
18 is that right?

19 A I do, yes.

20 Q I'll try to remember to call you

21 Miss

22 A Yes.

23 Q All right. What do you do, Miss ?

24 A I'm an FBI agent.

25 Q How long have you been with the FBI?

1 **A** I've been with the FBI about three and a
2 half years.

3 **Q** And prior to your employment with the FBI,
4 were you otherwise employed in law enforcement?

5 **A** I was a civilian crime scene examiner for
6 Baltimore County Police Department.

7 **Q** Okay. So you were a civilian crime scene
8 examiner?

9 **A** Investigator.

10 **Q** So you weren't a commissioned police
11 officer?

12 **A** I was not.

13 **Q** So prior to becoming an FBI agent, you
14 were never a commissioned police officer?

15 **A** No, I was not.

16 **Q** So all of your law enforcement career has
17 been with the FBI, other than the civilian crime
18 scene investigator?

19 **A** Yes, ma'am.

20 **Q** So where are you officed?

21 **A** St. Louis, Missouri.

22 **Q** Is your office in the FBI headquarters
23 downtown in St. Louis City?

24 **A** Yes, ma'am.

25 **Q** And back in early August of this year,

1 were you asked to assist with an investigation
2 involving the shooting death of Michael Brown?

3 **A** I was.

4 **Q** And you're aware that the Department of
5 Justice is conducting an investigation into civil
6 rights violations that might have occurred involving
7 the shooting death of Michael Brown?

8 **A** Yes, ma'am.

9 **Q** Now, the FBI, that's a federal agency,
10 right?

11 **A** Yes.

12 **Q** You're a federal agent?

13 **A** Yes.

14 **Q** I'm not going to get into a law school
15 class about this, but typically you aren't typically
16 investigating murders and rapes and things that
17 maybe state level law enforcement officers
18 investigate, would that be fair to say?

19 **A** Yes.

20 **Q** And so what your role is or what you are
21 limited to is investigating violations of federal
22 laws, correct?

23 **A** Yes, ma'am.

24 **Q** And so is that primarily what your role is
25 in this case is to investigate violations of any

1 federal laws?

2 A Yes, ma'am.

3 Q So when were you first brought in on the
4 investigation of the shooting death of Michael
5 Brown?

6 A August 11th, 2014.

7 Q And have you continued to be involved in
8 this investigation since August 11th?

9 A Yes.

10 Q And have you, in the course of your
11 investigation, did you interview Darren Wilson?

12 A Yes.

13 Q Have you conducted numerous other
14 interviews of other witnesses?

15 A Yes.

16 Q Both lay people or civilians and law
17 enforcement?

18 A Yes.

19 Q And, in fact, is your investigation still
20 going on?

21 A It is.

22 Q And so what I'm going to ask you about
23 today is about your interview with Darren Wilson,
24 but we know you had other things to do with this
25 case. If we need to have you testify about other

1 aspects of your investigation, would you return to
2 the grand jury to give further testimony?

3 **A** I will.

4 **Q** All right. So just for today, I'm not
5 saying I'm limiting you in asking your questions,
6 but just for today the purpose I'm going to be
7 asking you questions is about your interview with
8 Darren Wilson, okay?

9 **A** Yes.

10 **Q** Now, on what day did you interview Darren
11 Wilson?

12 **A** August 28th, 2014.

13 **Q** Now, during the time of your involvement
14 with this investigation, was there a time when the
15 FBI agents involved and the attorneys are either
16 with the U.S. Attorney's office or Department of
17 Justice kind of agreed to work together with the
18 county investigators in conducting interviews
19 together?

20 **A** Yes.

21 **Q** Were you aware prior to your interview of
22 Darren Wilson, were you aware that he had already
23 been interviewed by county detectives about the
24 shooting death of Michael Brown?

25 **A** Yes.

1 **Q** And did you have a copy of that interview?

2 **A** Yes.

3 **Q** And had you listened to it prior to your
4 interview of Darren Wilson?

5 **A** Yes.

6 **Q** So now given that he's already given an
7 interview with the county detectives, why is it that
8 you decided to interview him again on the 28th?

9 **A** As we do separate investigations, my
10 investigation is a civil rights investigation. Part
11 of that and what I do in investigating civil rights
12 is violations under the color of law, which that's
13 why we're taking a look at this shooting, is to see
14 if Officer Wilson was in violation of his sworn
15 duties.

16 And because of that, he is a subject
17 of an investigation and very important and we are,
18 it is separate, excuse me, from a homicide
19 investigation, what the county is conducting, so we
20 felt it necessary to conduct a separate interview.

21 **Q** And at the time that Michael Brown, I'm
22 sorry, Darren Wilson was interviewed by the county
23 detectives, was that before you all started
24 conducting joint interviews?

25 **A** Yes, ma'am.

1 **Q** And the joint interviews, is it time
2 saving for detectives as well as less inconvenience
3 for witnesses and so forth?

4 **A** That main reason has to do with the fact
5 you want to limit statements given to avoid
6 inconsistency, because it is human nature.

7 **Q** And in any case, you wanted to ask
8 additional questions at some point involving your
9 investigation of Wilson?

10 **A** Yes.

11 **Q** I mean, Officer Wilson, Darren Wilson?

12 **A** Yes.

13 **Q** All right. And so did you or someone else
14 with the FBI contact Darren Wilson and/or his
15 attorney about having him come in to give a
16 statement?

17 **A** Yes.

18 **Q** Did they agree to do that?

19 **A** They did.

20 **Q** They appeared at your headquarters?

21 **A** Yes.

22 **Q** So who came to the interview, who was
23 present?

24 **A** Officer Darren Wilson, as well as his
25 attorney, and another attorney,

1 I believe.

2 Q

3 A as well as assistant United States
4 attorney, , Department of Justice trial
5 attorney and also present was another
6 special agent,

7 Q And so where did this interview take place
8 in your FBI headquarters?

9 A It took place, we have interview rooms in
10 the front, that's where it took place.

11 Q So was this a conference room looking at
12 area or, I mean, is everybody sitting around the
13 table?

14 A It is.

15 Q Okay. And did you record these, this
16 interview?

17 A We did not.

18 Q Why is it that you didn't record this
19 interview?

20 A It is not generally the FBI's policy to
21 record. It was made, the decision was made since he
22 already had a recorded statement as well, to not
23 record an additional statement.

24 Q During the interview, did you take notes
25 during the interview?

1 **A** I did.

2 **Q** Did you use those notes, do you use those
3 notes generally then to write a police report or
4 what you guys call 302s?

5 **A** Correct.

6 **Q** And 302 is just a number that is for that
7 type of a report that you write, for example, when
8 you are summarizing an interview, would that be fair
9 to say?

10 **A** Yes.

11 **Q** And so, again, in this scenario you are
12 questioning him because he is the subject of a
13 federal investigation into civil rights violations,
14 correct?

15 **A** Yes.

16 **Q** So when he arrived, was there any
17 discussion between you and his attorney or him about
18 there being any limitation on the questions that you
19 were going to ask him?

20 **A** No, there was no limitation.

21 **Q** Did you read him Miranda warnings?

22 **A** No, we did not.

23 **Q** And why not?

24 **A** He was not in custody.

25 **Q** So he came there voluntarily, he wasn't

1 arrested. Were you planning on placing him under
2 arrest after you were questioning him?

3 A No.

4 Q And his attorney was present during the
5 entire interview?

6 A Yes.

7 Q And was there ever a time when you had
8 breaks during the interview where he was left alone
9 in the room with his attorney?

10 A They had the option. I can't recall if
11 there were breaks or not.

12 Q About how long did your interview last?

13 A Approximately an hour.

14 Q And were there questions asked by you
15 during the interview?

16 A Yes.

17 Q Did the Department of Justice trial
18 attorney, , did she ask questions as
19 well?

20 A She did.

21 Q Did U.S. attorney or assistant U.S.
22 attorney , I think it is ,
23 correct?

24 A Yes, ma'am.

25 Q Did he ask questions as well?

1 **A** He did.

2 **Q** Did ask questions as well?

3 **A** She did.

4 **Q** And how would describe Darren Wilson's
5 demeanor during the time you interviewed him?

6 **A** Cooperative.

7 **Q** Did he appear nervous?

8 **A** No.

9 **Q** And so did you, was this the first time
10 you had ever met Darren Wilson?

11 **A** Yes, it was.

12 **Q** And you're aware that he is on
13 administrative leave; is that correct, or did you
14 know that?

15 **A** I didn't know it was administrative leave,
16 I just know he had not returned to work.

17 **Q** He didn't come in a policeman's uniform to
18 the interview, did he?

19 **A** No.

20 **Q** And so can you just and summarize for the
21 jurors, what you talked about or what you asked him
22 during the interview?

23 **A** We, we went over his career as a police
24 officer, just a brief rundown that he had been a
25 police officer in Jennings Missouri Police

1 Department for two years prior and had worked for
2 Ferguson since October 2011, Ferguson Police
3 Department.

4 And then we went into August 9th,
5 2014, where he was working a shift from 6:00 a.m. to
6 6:00 p.m. Around noon, just before noon he received
7 a call, a sick call he referred to it as. An infant
8 who had a fever. While he was at that call he heard
9 over the radio a call for a stealing in progress
10 where, is it okay if I refer to my notes?

11 Q Sure.

12 A Sorry, I don't mean to look down. He
13 heard it was at a market, he didn't hear which one
14 and he heard a description over the radio saying the
15 subjects were walking towards the QuikTrip, stole
16 Cigarillos and one subject was wearing a black
17 shirt.

18 Wilson cleared that sick call because
19 the mother and the infant were taken to the
20 hospital. He cleared the call and he was going
21 eastbound on Canfield. The sick call was in an
22 apartment complex, I believe it is called
23 Northwinds, and to get back to West Florissant, I'm
24 sorry, west on Canfield.

25 And as he's driving, he sees two

1 individuals in the middle of the road walking single
2 file and as he pulls up, he sees who he identifies
3 later at a later date as of the date of the
4 interview as Dorian Johnson and Michael Brown. He
5 didn't know them before.

6 Q When he was talking with you, he, at that
7 point knew that the deceased was Michael Brown and
8 that the other gentleman is Dorian Johnson, correct?

9 A Yes, ma'am.

10 Q But during your interview, did he refer to
11 them by name, those names then?

12 A He did.

13 Q But did you clarify with him that this
14 was, were these individuals he had ever heard of or
15 had any contact with previously?

16 A We did clarify and no, he did not. He did
17 not know who they were prior to this interaction.

18 Q Okay. So you say he sees these two
19 subjects who he now knows as Michael Brown and
20 Dorian Johnson, what happened next?

21 A Dorian was first, so he pulled up next to
22 him and asked him why don't you guys walk on the
23 sidewalk. He made the statement, it wasn't in a
24 confrontational way because he was more concerned
25 about going back to the station to have lunch, it

1 was about that time.

2 Dorian's response was, we're just
3 about to our destination, Dorian was not
4 confrontational either.

5 And Officer Wilson's response was
6 okay, but what's wrong with the sidewalk. And
7 Dorian kept, he continued to walk and Officer Wilson
8 said he did not pay attention to Michael Brown and
9 he was somewhat blocked. He has a big mirror, he
10 was driving a Tahoe, so the mirror is quite large
11 and Michael was blocked, he was just in that spot.

12 Because he was interacting with
13 Dorian Johnson, didn't notice Michael walking or any
14 demeanor and so when he says okay, but what's wrong
15 with the sidewalk, Michael says, "fuck what you have
16 to say."

17 I'm sorry, let me refer to my notes.
18 Officer Wilson's attention was then drawn to Michael
19 Brown and he noticed that Michael Brown's hands were
20 full of Cigarillos. He looks in his rear view
21 mirror and also saw that Dorian was wearing a black
22 T-shirt.

23 Thinking back on the call, Michael
24 Brown was wearing a gray T-shirt and the call was
25 they stole Cigarillos and one was wearing a black

1 shirt. So kind of putting two and two together or
2 thinking that these might be the two guys, he puts
3 the car into reverse.

4 Q Now, when you say putting two and two
5 together, is that what he was telling you that he
6 put two and two together or is that your
7 interpretation of it?

8 A He said he recalled the description that
9 came out over the radio. I think I'm using that, I
10 don't know what you would call that, but yes, he
11 said that.

12 Q As much as possible because, obviously,
13 you know, I don't want you to add to the statement
14 or even interpret something that you believe he
15 meant or said if he said it a certain way. So as
16 best you can, stick with what he told you. So he
17 said he recalled that earlier call about the
18 stealing Cigarillos?

19 A Yes, ma'am.

20 Q And then what did he say happened?

21 A He said he put the car, I'm sorry, he
22 called over the radio said I'm on Canfield with two,
23 send me another car, that's quoted.

24 He then put his vehicle into reverse
25 and angled the rear of the vehicle towards the

1 middle of the street as to block the two of them
2 from getting away, or walking any further.

3 He said, Officer Wilson said his plan
4 was to stall them until another officer got there.
5 He was not going to try to arrest or even question
6 either one of them because he was out numbered and
7 incredibly outsized by Michael Brown. In fact, he
8 quoted as saying, he would overpower me.

9 So before Wilson gets out of his car,
10 he tells Brown, come over here a minute. Wilson
11 attempted to open the door and Brown, Michael Brown,
12 shoved the car door back at him.

13 And Michael Brown said to him, "what
14 the fuck are you going to do about it."

15 Wilson, Police Officer Wilson
16 unsuccessfully tried to open the door again, Michael
17 Brown ducked his head in because he was taller than
18 the vehicle, ducked his head in down, came in
19 through the driver's side window swinging his arms,
20 he described him swinging his arms wildly at Wilson.

21 He said Brown's right hand connected
22 with the left side of his face. Wilson tried to get
23 Michael Brown off him and also block the blows that
24 were coming at him.

25 At some point Michael Brown turned

1 around and handed the Cigarillos that were in his
2 hand to Dorian Johnson and Brown came right back
3 around and hit Officer Wilson in the face with
4 Michael Brown's left hand.

5 Officer Wilson describes going
6 through what he described as a force triangle in his
7 mind, and that is the way he said they were trained.
8 He knew he could use one level of force higher than
9 was being applied to him, excuse me, than the threat
10 level to his safety.

11 Q And this force triangle is something that
12 he said he was trained about?

13 A Yes, ma'am.

14 Q And he described it to you?

15 A Yes, in just that way using one level
16 higher.

17 Q One level of force greater than the level
18 of force being used against you or applied against
19 him?

20 A Yes, ma'am.

21 Q Okay, go ahead.

22 A He said he couldn't reach his mace, he
23 also knew that in the academy he got sprayed with
24 mace and he doesn't handle it well. So even if it
25 doesn't hit him, he would not be, it would disable

1 him just as much as it would Michael Brown.

2 He did not carry a taser, so that
3 wasn't even an option.

4 He had his asp baton on his belt and
5 a mag flashlight in the passenger side. He said it
6 would have given up too much of his body, Michael
7 would of had to, could hit him more parts of his
8 body if he tried to reach for either of those. He
9 also couldn't deploy the asp baton inside the
10 vehicle because it is collapsable.

11 Wilson said he thought Brown could
12 beat him to death. He knew from his training
13 because for just that reason, he was allowed to use
14 deadly force.

15 He pulled out his gun and told Brown,
16 stop I'm going to shoot you. Brown's response was
17 and I quote, Officer Wilson quoting Brown, "you're
18 too much of a pussy to shoot."

19 Brown grabbed the gun and twisted it
20 down pointing at his left hip. And Officer Wilson
21 attempted to raise the gun with Michael's hand on it
22 and aimed, he described he aimed at the silhouette
23 of Michael Brown through the car because he could
24 not raise it. He couldn't pull the gun high enough
25 to go through the open window.

1 **Q** So at this point is he describing that
2 both he and Michael Brown have their hands on the
3 gun?

4 **A** Yes, ma'am.

5 **Q** Does he say, does he say which hand he had
6 on the gun, his own hand?

7 **A** His right hand.

8 **Q** And did he say, was he holding it by the
9 grips, the handle of the gun?

10 **A** Yes.

11 **Q** And then did he say what hand or hands
12 Michael Brown had on the gun?

13 **A** I don't believe I wrote which hand or
14 heard which hand.

15 **Q** Okay. So you don't recall if he said
16 which hand he had on the gun?

17 **A** I don't.

18 **Q** But does he describe that they both were
19 struggling over the gun at this point?

20 **A** Yes.

21 **Q** Does he describe where Michael Brown's
22 hand or hands are on the gun?

23 **A** He said, if he's holding the gun, he did
24 this motion where his hand was overtop holding,
25 Michael Brown's hand was over the gun, grabbing onto

1 Wilson's hand.

2 Q Okay. And you're not sure if Darren
3 Wilson told you which hand Michael Brown was using
4 at that point?

5 A I don't recall.

6 Q Okay. And so then what did he say, you
7 said he managed to level the barrel, which might be
8 the silhouette on the opposite side of the door, is
9 where Michael is standing, correct?

10 A Yes, ma'am.

11 Q Okay. And then what happened?

12 A Sorry, I'm just referring to my notes. He
13 pointed at Brown's body through the door, pulled the
14 trigger and nothing happened, the gun did not go
15 off.

16 Officer Wilson attempted to pull the
17 trigger again and nothing happened. Officer Wilson
18 pulled the trigger a third time and the gun fired
19 through the door, driver door panel. The window
20 being down, glass flew everywhere.

21 I'm sorry, Brown's right hand was on
22 the gun when it fired.

23 Q Okay.

24 A I don't recall and I don't know that even
25 Officer Wilson knows when exactly, but he noticed

1 that there was blood on his right hand and he
2 assumed that he had gotten cut when the glass flew
3 everywhere.

4 After the gun goes off, Brown stepped
5 back from the car. He described somewhat in shock
6 and Brown puts his hands together at his right hip,
7 he demonstrated. And Officer Wilson thought maybe
8 he was hit there, which is why he put his hand
9 there.

10 He said Brown then became enraged
11 where Officer Wilson describes his face looking like
12 a demon.

13 Officer Wilson was confused that
14 Brown wasn't then running away, knowing that
15 situation, assumed that that would be to get Brown
16 away from the door and to go because he had just
17 been shot, but Brown re-engaged.

18 And also at this point in time,
19 Officer Wilson did not know where Dorian Johnson
20 was. The last time he saw him was when he did the
21 Cigarillos handoff. At that's when the rest of that
22 time, the interaction, he never saw Dorian Johnson.

23 Q Does Officer Wilson describe that, so are
24 you saying that he says when he fired the weapon
25 into the door, he believed or thought that the

1 bullet pierced the outer skin of the car and got
2 Michael Brown, is that what you are talking about?

3 **A** Yes.

4 **Q** When you say that?

5 **A** Based off of his action, also he didn't
6 know where the bullet went, but he was aiming
7 through the door when Michael Brown is engaged in
8 the car, he pulled both of his hands down towards
9 his right hip and thought maybe that's where, if he
10 was hit, just based off that action not because he
11 saw a wound and not because he saw blood.

12 **Q** Okay. And so then, what happened you said
13 that he then described his face as looking like a
14 demon and he is confused as to why he wouldn't have
15 run away at that point. What happened then, what
16 did he say then?

17 **A** Both of the Brown's hands came back
18 through the window. Officer Wilson just showed us
19 his left arm up defensively trying to block Brown
20 from punching him.

21 Wilson put his, the gun up and pulled
22 the trigger again, the gun didn't fire. He
23 described what blind racking the gun, it is pulling
24 the slide back without looking. I don't know what
25 he, I don't know if he used his hands to rack it,

1 but he thought something had happened to the gun.

2 He didn't know if the gun, he
3 described it as stovepiping, which could be two
4 bullets trying to go in and then neither will fire.
5 He didn't know if he ejected a full cartridge, which
6 would be the projectile along with the casing or
7 just the spent casing was stuck in there, he didn't
8 know, he didn't look.

9 Q So he said he blind racked the gun, which
10 he described as being the slide back?

11 A Yes.

12 Q Okay.

13 A Blind racking, he wasn't looking at his
14 gun, his attention was to Mr. Brown.

15 Q All right. You need two hands to do that,
16 would that be fair to say?

17 A He didn't demonstrate with hands, I'm
18 demonstrating because that's how I'm trained. He
19 could have also gone ahead, if I wasn't here, I
20 could use this table, he could have used the
21 steering wheel.

22 Q So you didn't ask him --

23 A Did not.

24 Q He didn't demonstrate how he blind racked
25 the gun?

1 **A** Correct.

2 **Q** But his words were blind racked?

3 **A** Yes, ma'am.

4 **Q** Okay. So what does he say happens after
5 he blind racks the gun?

6 **A** He fired the gun again, he pulled the
7 trigger again, the gun fired and he saw, and he
8 wasn't looking where he was shooting he said, he saw
9 a cloud of dust in the dirt across the street and
10 assumed Michael Brown had not been hit because
11 that's where he assumed the projectile landed.

12 **Q** So did he tell you when before firing this
13 weapon now, the second shot, did he tell you was he
14 aiming in a particular place or was Michael Brown
15 still beside the vehicle?

16 **A** Yes, he was. He describes him, and again,
17 because I'm not sure what hand, he just shows him
18 blocking Michael Brown's blows with his left hand.

19 **Q** Okay.

20 **A** So after he fired that shot, that's when
21 Michael Brown again ran away. Upon which time
22 Officer Wilson called over the radio, shots fired,
23 send me more cars.

24 We asked because it is important
25 later whether or not he called over his, there is a

1 radio in the car and there's a radio that he has on
2 his person. So when you're inside a call car you
3 can hear and also transmit. He's not sure if he
4 said that with his car radio or with his handheld.

5 Q He remembers making a call and those
6 words, but doesn't know if it was the car radio or
7 his mobile walkie-talkie?

8 A Correct.

9 Q And then what happens?

10 A So Officer Wilson got out of the car to
11 chase Mr. Brown because, and he describes because
12 Michael Brown was a fleeing felon. And he was just
13 doing his job, those were his words.

14 He said Brown had just assaulted and
15 attempted to kill him with his own duty, with
16 Wilson's duty weapon.

17 Officer Wilson did not want Michael
18 Brown to cause injury or death to anyone else. He
19 knew Brown would assault another responding officer
20 or witness as Brown had just assaulted him.

21 And Officer Wilson wanted to know, he
22 wanted to give chase, he wanted to know where Brown
23 was going. And in an attempt to apprehend Michael
24 Brown once other officers got there.

25 Q So let me stop you here. So this part you

1 are testifying about he is basically explaining why
2 he thought he was justified in pursuing the subject,
3 correct?

4 **A** Yes, ma'am.

5 **Q** Was that in response to questions that you
6 asked him directly or were you just letting him
7 narrate this and this is information he just
8 provided in a narrative form?

9 **A** That was in direct response. It is
10 possible, and the way my notes are written, I go
11 back and write and try to chronological order. He
12 could of at first give us the rundown, said what he
13 did and then we would go back and say why.

14 In my notes I tried to put it in
15 chronological order. So he went and gave chase and
16 I put in my notes in that same spot why, when we
17 asked him why.

18 **Q** Okay. And that was his explanation you
19 already testified about. And then what did he say
20 after he explained why he pursued the subject?

21 **A** He explained that he expected Michael
22 Brown to run for a while. So when he got out of the
23 vehicle he did still have his gun in his hand, but
24 it was down at his side because it is easier for him
25 to run instead of having it pointed at Michael

1 Brown. And also because Michael was running away
2 from him, he did not feel he was an immediate threat
3 to keep his gun pointed on him.

4 Q Okay.

5 A As he was running after him, he told
6 Michael get on the ground, get on the ground. And
7 again, he said he thought Michael was going to run
8 for a while.

9 While he was running, Officer Wilson
10 noticed a line of three cars lined up behind him,
11 specifically he noticed a green Pontiac. He said he
12 did not fire any shots at Michael Brown as Michael
13 Brown was running away.

14 At some point, a short time after
15 Brown stopped and turned around to face Officer
16 Wilson. Officer Wilson will describe Brown as
17 grunting, he grunted, hopped and began toward
18 Officer Wilson.

19 When Brown hopped, he said he put his
20 right hand in his waistband. At the time Officer
21 Wilson didn't know whether or not he was armed. He
22 thought that perhaps Michael Brown was armed and
23 that's what he was going for.

24 He couldn't tell because Brown's
25 shirt had hung over his waistband. He said Brown's

1 left arm, left hand was clenched in a fist at his
2 side.

3 Wilson shouted stop, get on the
4 ground, and Wilson explained at this point during
5 the interview that Brown was just not listening to
6 any of his commands.

7 Wilson started shooting as Brown ran
8 towards him. Wilson shot more than once, but was
9 unsure how many times. And he realized he had
10 tunnel vision, so he shot more than one time and
11 realized that all he was looking at was that right
12 hand.

13 Wilson, I'm sorry, he said during
14 this string of thoughts, Michael Brown had jerked
15 back as if he had been shot, but Officer Wilson did
16 not know where Michael Brown was hit.

17 Q So he doesn't describe seeing, like what
18 we see on TV, pow, pow, immediately blood spurt and
19 you would see it on the shirt, he doesn't describe
20 seeing anything like that?

21 A No, he didn't.

22 Q Okay. Did he say anything other than, you
23 know, you said he has testified before he had made
24 that motion towards his waist like perhaps he shot
25 him through the door, did he say anything else about

1 him making, appearing to be shot anywhere else?

2 **A** No, he didn't.

3 **Q** Okay. You can go ahead.

4 **A** He said after Michael Brown kind of jerked
5 back, he said Michael stopped briefly, but then
6 started running towards him again. He described
7 Michael Brown's chest as being puffed up. Michael
8 Brown's hands were still in his waistband.

9 So Officer Wilson began to back up.
10 Brown was about eight feet away from Wilson when,
11 and Wilson thought to himself, if he gets me, I'm
12 dead.

13 Brown ran towards Wilson with his
14 head leaning down. Officer Wilson thought he only
15 shot one time, but it could have been more.

16 He saw the bullet hit Michael Brown
17 in the head and he saw Michael Brown fall to the
18 ground face first. He said Michael Brown fell with
19 such, because he had such momentum going forward,
20 that when he landed on his face, his feet came up
21 behind him.

22 Officer Wilson made a statement all
23 he had to do was stop and Officer Wilson would have
24 stopped shooting.

25 At no point did Michael Brown comply

1 with Officer Wilson's command or his order to
2 surrender and Michael Brown never had his hands up.

3 We had Officer Wilson draw just on a
4 white sheet of paper a simple depiction of the scene
5 and we are going to keep that with our case file.

6 After Michael Brown went to the
7 ground, he called over the radio on his handheld and
8 said, "I need a supervisor and everyone you've got."

9 While Officer Wilson was running
10 after Michael Brown, he was looking around for
11 people because he was concerned with, he didn't know
12 if Michael Brown had a gun, he was concerned that
13 other people might get shot in the crossfire.

14 Q Wait a minute. So he kind of backtracked
15 in his statement a little bit.

16 A Yes.

17 Q Now he's already got to the point where
18 he's shot him and a fatal injury has him on the
19 ground. So now he backtracks a little bit and says
20 when he was chasing him?

21 A When he was chasing and I'm sorry, I'm
22 explain that a little better. He knows there are a
23 lot of people around once Michael Brown was on the
24 ground. He said while he was chasing him, this is
25 all within a matter of seconds, he didn't notice

1 anybody else. Once Michael Brown went to down to
2 the ground, he saw a lot of people in the community,
3 an apartment complex around.

4 He said Officer was the first
5 one on the scene. And he had, Officer Wilson had
6 Officer secure the scene or block the
7 street.

8 Wilson called for an ambulance. The
9 next two arrivals were Ferguson Police Department
10 Officer and at the time because there was
11 really, West Florissant to get onto Canfield is the
12 only way to connect to a major roadway, both were
13 west of the scene. So Officer Wilson had Officer
14 move his vehicle to the east side so they
15 could block that, so they could secure the scene,
16 maintain some scene control.

17 Q To block vehicular traffic that might be
18 coming westbound on Canfield?

19 A Yes. Officer Wilson described feeling
20 unsafe standing next to Brown's body since he was
21 the shooter. He thought, the area is known for
22 violence, guns, gangs and drugs. They did not have
23 a good relationship with the police. He kind of
24 felt he really had a spotlight on him.

25 He walked towards his vehicle which

1 was still running. He opened the door and got the
2 keys and shut it off. the only thing he touched was
3 the exterior of the vehicle.

4 Q So he reached in to turn the car off?

5 A And grabbed the keys.

6 Q And take the keys out of the vehicle?

7 A Yes, ma'am.

8 Q And then he shut the door?

9 A Yes, ma'am.

10 Q He didn't get in the car?

11 A He did not.

12 Q All right.

13 A I don't know if other officers arrived,
14 I'm sorry, the Ferguson Sergeant responded.
15 Wilson told Sergeant that he had killed Brown.
16 He quoted himself as saying, "he grabbed my gun and
17 I shot him."

18 told him to go, told Wilson to
19 go sit in Wilson's car. And Wilson said, no,
20 because then everyone will know it was me because
21 everyone around him is working and he's not.

22 So Officer, I'm sorry, Sergeant
23 told him to go back to the station, to not take
24 Wilson's vehicle. Sergeant had to let him take
25 Sergeant vehicle.

1 And Wilson described that he thought
2 that it was strange that Sergeant wouldn't have
3 another Ferguson police officer go back with him
4 because he was just involved in a shooting, that
5 even minutes after the scene a lot of people showed
6 up. I think he described it the police officers
7 being outnumbered 300 to 1.

8 So he drove back to the station, he
9 noticed that his handheld radio was on channel 3
10 instead of channel 1. Channel 1 was the Ferguson
11 dispatch and channel 3 was St. Louis County Police
12 Department Dispatch. He wasn't even sure, while he
13 could hear St. Louis County, he wasn't sure if he
14 keyed up that they would hear him whatever he said.

15 He believes that the radio switch
16 during the struggle in the car, but he's not
17 positive, actually, because he's not usually on
18 channel 3, excuse me, not channel 3.

19 When Wilson got back to the station
20 he washed the blood off of his hands. His primary
21 concern was not of evidence, but as a biohazard or
22 what possible blood hazards it might attract.

23 So no one at the station photographed
24 Officer Wilson's hands because there was no one
25 there to photograph them.

1 Right after he washed his hands he
2 went to the roll call room, he made his gun safe,
3 which means he took out any bullet and packaged it
4 as evidence, that's how he described it to us.

5 He did not wait for somebody else to
6 bag that as evidence because he saw blood on the
7 gun, thought it was Brown's blood, wanted to
8 preserve the DNA. He didn't want to risk because he
9 believed that would prove that he had his hand on
10 the gun.

11 There was a Ferguson Police Officer
12
13 at the station when he arrived.

14 He told ,
15 he said to , I just shot someone. Officer
16 did not ask him any more questions.

17 He said Officer may have
18 seen him package his gun, but he wasn't positive.

19 He called, Wilson called his attorney
20 when he got to the station. Officer
21 Wilson knew that was the attorney to call
22 if he was ever involved in a shooting.

23 They had EMS, which there is a block
24 house right next door to the Ferguson Police
25 Department. They had EMS come over and perform an

1 assessment.

2 Ferguson Police Lieutenant

3 came to check on Wilson. Lieutenant did not

4 ask any questions about what happened and also

5 Ferguson Police Officer came into the roll call

6 room to give Wilson card that he had, but

7 he already made the phone call.

8 Wilson knew not to talk to anyone

9 until he spoke with an attorney and he did not

10 comment on what happened.

11 After the Attorney arrived,

12 St. Louis County Police Department Detective

13 and Lieutenant Colonel also came to

14 speak with Wilson.

15 Between and

16 Wilson, they noticed Wilson's face was red and

17 swollen, so they collectively decided they were

18 going to take him to the hospital. They took him to

19 Christian Northwest emergency room. Shortly before

20 they took him there, Wilson described Detective

21 started the interview at the station and

22 continued it after they got to the emergency room.

23 Officer Wilson described being

24 assaulted in the past as a police officer and said

25 it was not to the extent it had been with Brown. No

1 one had ever before attempted to take his firearm.

2 Officer Wilson had been trained to
3 use physical force when a physical threat was
4 present.

5 Michael Brown became an immediate
6 threat to Wilson's safety when Michael Brown came
7 into the car, when Michael Brown hit Officer Wilson.

8 Michael Brown went for Officer
9 Wilson's firearm and Michael Brown charged towards
10 Officer Wilson after Brown had already run away.

11 Michael Brown was a threat to the
12 safety of others as he ran away from Officer Wilson.

13 Q Now, what you're saying right now, this is
14 what Officer Wilson is telling you, correct?

15 A Yes, ma'am, correct.

16 Q This isn't your statement?

17 A No, it is not my statement. Correct, I
18 apologize for not clarifying that. Everything I was
19 saying was what was relayed to me by Mr. Wilson. In
20 no way, shape or form am I offering any opinion
21 whatsoever.

22 Q Okay. Is that pretty much the conclusion
23 of the statement?

24 A Yes. The last thing was it is the
25 sergeant's responsibility to write a use of force

1 report. It is Wilson's responsibility to write an
2 incident report, but as of August 28th, 2014,
3 Officer Wilson had not been back to the station, so
4 he has not had the opportunity to write an incident
5 report.

6 Q So he's basically told you that after the
7 shooting and contacting, having contact with
8 Sergeant he goes directly to the Ferguson
9 Police Department, can't talk to anybody about this
10 until possibly his attorney arrives and then
11 ?

12 A Yes, ma'am.

13 Q And he also tells you that no one had
14 possession of his gun from the time he left the
15 scene until he made it safe and packaged it in that
16 envelope?

17 A Yes, ma'am.

18 Q He also told you, did he also tell you, I
19 should use notes, did he tell you that he had
20 sustained any other injuries to the backs of his
21 hands or on his hands?

22 A He made a statement that he had no cuts.

23 Q Okay.

24 A So I don't know at what point he realized
25 that, but he believed the blood on his hands was

1 Michael Brown's.

2 Q Okay. Well, this is the 28th, this is too
3 far after the incident.

4 MS. ALIZADEH: Sheila, do you have any
5 additional?

6 MS. WHIRLEY: I do.

7 Q (By Ms. Whirley) So he, on August the 9th
8 this occurred and you didn't interview him until
9 August 28th?

10 A Correct.

11 Q However, he told you that he saw the
12 Cigarillos in Michael Brown's hand at some point?

13 A Yes, ma'am.

14 Q At what point was that?

15 A That was, initially when he made contact
16 with both Dorian Johnson and Michael Brown, his
17 attention was drawn to Dorian Johnson because Dorian
18 was first and also responded to his, hey, can you
19 guys use the sidewalk, or whatever verbiage he had
20 used.

21 When he said what's wrong with the
22 sidewalk, his attention was then turned towards
23 Michael Brown because Michael Brown responded to
24 him, "fuck what you have to say," or excuse me, I'm
25 sorry, yes, that's what he said. Once Michael Brown

1 said that, his attention was drawn, Officer Wilson's
2 attention was drawn to Michael Brown, at which time
3 he then saw the Cigarillos that Michael Brown was
4 holding.

5 Q All right. So he saw the Cigarillos
6 before any physical altercation, right?

7 A Yes, ma'am.

8 Q Did he say that when Michael Brown was
9 handing something over to Dorian Johnson, that he
10 knew he was handing him Cigarillos?

11 A I believe so, but I'm just going to check
12 my notes.

13 Q Okay.

14 A Yes, he specifically stated.

15 Q He specifically stated he knew he was
16 handing him Cigarillos?

17 A Yes, ma'am.

18 Q Okay. He said he intended to wait on an
19 assist car before approaching these two males?

20 A Before attempting to arrest.

21 Q Did he say why, I guess that changed,
22 because what happened to change that, did he say?

23 A Well, he was going to get out and try to
24 stall, try to have a conversation with them in a
25 sense, well, at least he was not going to ask them

1 about the robbery. I don't necessarily, forgive me,
2 I don't think he said arrest, he just said before he
3 even mentioned anything about the stealing in
4 progress, he was going to wait for other officers to
5 get there.

6 Q Okay. So did he, so he said he knew about
7 the stealing in progress because of the Cigarillos.
8 He was not going to mention the stealing in
9 progress, he was just going to stall them?

10 A Right.

11 Q Did he talk to you about what he went out
12 on his radio to say that he was doing a check with
13 two people, to send him a car?

14 A Yes.

15 Q Did he say that he told the dispatcher
16 hey, I've got two guys involved in this stealing at
17 this Ferguson Market and I see one with Cigarillos?

18 A Right, no, he did not say that. He
19 specially mentioned the fact he doesn't often asked
20 for assistance on calls, so when people hear him
21 over the radio saying, send me more cars, they know
22 he needs another car.

23 Why he didn't mention the stealing
24 would be my conjecture.

25 Q But let me say he didn't?

1 **A** Correct, he did not.

2 **Q** But the dispatcher knows if he calls for
3 assistance, they need to send assistance right away?

4 **A** Yes, ma'am.

5 **Q** And he did call for assistance?

6 **A** Yes, ma'am.

7 **Q** He didn't tell anybody the nature of the
8 call?

9 **A** Correct.

10 **Q** Okay. Now, you mention that he said when
11 Michael Brown was running away, was not an immediate
12 threat?

13 **A** To him.

14 **Q** To him. Did he say why he thought Michael
15 Brown would continue to run? I think that's what
16 you said that he knew he would continue to run?

17 **A** That was based on his training and
18 experience that he believed Michael Brown starting
19 to run away, and based off his training and
20 experience he believed Michael Brown was going to
21 continue running versus stop and turn around.

22 **Q** And did that factor into his thought
23 pattern, did he say? Did you understand what that
24 meant?

25 **A** In that limited perspective, yes. But

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1 again, I also am trained in law enforcement, so I
2 understand. So to go further to explain why he may
3 have thought that would be putting my personal
4 understanding, not using, putting words into his
5 mouth.

6 Q Okay. And you certainly cannot speak for
7 that officer and we don't want you to.

8 A Correct, yes.

9 Q But tell me what you mean by your personal
10 experience as a law enforcement officer?

11 A Someone running who runs away, who as he
12 described it, attempted to assault him. And then
13 was not going to and had not yet complied, would
14 likely not, but you would still be prepared at this
15 point for whatever happens.

16 Q So when Michael Brown said something like,
17 "fuck what you say," or something, did he say that
18 that was a comment that required him to confront him
19 about it?

20 A No, he did not.

21 Q Okay. So when he backed up, did he say he
22 backed up?

23 A He reversed the vehicle.

24 Q That was strictly about confronting about
25 the Cigarillos?

1 **A** Yes, ma'am.

2 **Q** Did he say he ever said anything to them
3 about the Cigarillos?

4 **A** He did not.

5 **Q** Okay. Now, again, I wasn't clear, what
6 hand did he say Michael Brown put towards his
7 waistband?

8 **A** At what point, when he was at the vehicle
9 or when he had run away?

10 **Q** Okay. At what point did he say Michael
11 Brown put his hands towards his waistband? I'm
12 talking about Michael Brown's own waistband.

13 **A** Yes, ma'am, I am sorry, let me clarify why
14 I have a question.

15 **Q** Okay.

16 **A** Because he was, when they were at the
17 vehicle and Officer Wilson fired the first shot, he
18 describe Michael Brown, more of his hip, but I
19 apologize because I picture his waistband, he put
20 both of his hands towards his --

21 **Q** You talking about Michael Brown's
22 waistband?

23 **A** Yes, no, no, no, he said Michael Brown,
24 after he was hit put, Michael Brown's hand towards
25 Michael Brown's right hip. When they were

1 struggling for the gun, he twisted towards Officer
2 Wilson's left hip.

3 Q Okay.

4 A But I'm sorry, Michael Brown ran away,
5 stops, turns around, grunts, hops and stick his
6 right hand in his waistband.

7 Q Okay.

8 A That's as Officer Wilson described it.

9 Q Okay. So once Michael Brown goes down
10 after he's shot and he's prone on the ground,
11 correct?

12 A Yes, ma'am.

13 Q What did Officer Wilson say he did?

14 A What Officer Wilson did?

15 Q Uh-huh.

16 A He said at that point in time they were
17 approximately 8 feet apart. He said he never, he
18 didn't approach.

19 Q He didn't check for a pulse?

20 A He did not.

21 Q Or call an ambulance?

22 A No, he did not. He radioed, "send me a
23 supervisor and every car you got."

24 Q When he said he asked for a supervisor, he
25 said someone was lying either injured or dead on the

1 ground?

2 **A** He did not.

3 **Q** Now, you've had occasion to collect his
4 employee or personnel records; is that right?

5 **A** Yes, ma'am.

6 **Q** Have you had a chance to review them?

7 **A** Yes.

8 **Q** Is there anything of evidentiary value
9 when I ask that question about evidentiary value, I
10 mean anything that's significantly bad or good about
11 his records, or that might factor into this case?

12 **A** I did. I did read that Officer Wilson
13 received a letter of accommodation for handling a
14 call when he was an officer with Jennings Police
15 Department.

16 **Q** Anything else?

17 **A** There was, there were, he did have use of
18 force reports, but that's standard practice. I
19 didn't see anything out of the ordinary. There was
20 a complaint made against him and two other officers
21 describing that was ultimately found to be
22 unfounded, to describe Officer Wilson and two others
23 attacks, an African-American male who was just
24 walking down the street in the city and used racial
25 slurs towards him, beat him up so badly that he had

1 bleeding on his brain.

2 What was found to have actually
3 happened was this gentleman was breaking in and was
4 inside Officer Wilson's car. The three officers who
5 were off duty at the time went outside and tried to
6 detain him, he ran away.

7 When they chased him, I don't know
8 which one of them tackled him on the ground, he hit
9 his face on the way down.

10 This was an internal affairs
11 investigation, the investigation was completed and
12 they discussed with the hospital that the
13 individual, the person who was either the victim of
14 use of force or stealing a car, his injuries were
15 consistent with what the officers described and that
16 there was no bleeding of the brain.

17 The woman who made the complaint was
18 not an eyewitness, but the aunt of the individual.

19 **Q** The subject that was injured?

20 **A** Yes, ma'am.

21 **Q** Or that committed the crime?

22 MS. WHIRLEY: Anyone else, questions?

23 : Just one comment, sorry,

24 The one comment you said that really
25 caught my attention, I'd like kind of go with more

1 if we could, you mentioned that Darren in reference
2 to this neighborhood said it is an area known for
3 gangs, violence, guns and he didn't feel safe. And
4 I think that really, I don't know, is alarming to
5 hear. So how would you kind of say that fit into
6 the case or was there more depth to it when he said
7 that.

8 **A** It had to do with, I guess the atmosphere.
9 He described that when almost immediately after,
10 he's not sure when it happened, but once Michael
11 Brown was down on the ground, the residents were
12 outside. He said, and the crowd kept growing
13 increasingly hostile because he knows from being a
14 police officer in that area, people generally don't
15 like to see the police.

16 So based on the fact of what just
17 happened, he did not feel safe. Whether it means
18 by, it would be my conjecture and I can't do that.
19 . Is there
20 any part of Officer Wilson's testimony or statement
21 that you believe is in conflict with any of the
22 physical evidence you are aware of?

23 **A** I don't, I cannot make that judgment. My
24 sole purpose is simply to collect the facts. It is
25 up to the prosecuting attorneys and any future jury

1 to kind of make that determination.

2 MS. ALIZADEH: Can I ask you a question,
3 though, prior to you questioning Darren Wilson, to
4 your knowledge had he read any police reports
5 documenting the investigation?

6 A Not to my knowledge, no.

7 MS. ALIZADEH: Have any reports, first of
8 all if he has, I haven't gotten any reports, so I
9 don't know where anybody else would have them. To
10 your knowledge, he had no knowledge of the
11 investigation?

12 A Correct.

13 MS. ALIZADEH: And then regarding autopsy
14 reports, to your knowledge, Dr. who was
15 the medical examiner in this case, he had not read
16 that report; is that correct?

17 A No, he had not. If Officer Wilson knew
18 anything about the case, it is the same thing anyone
19 who heard in the news what was ever released to the
20 news is what he would know. Ferguson Police
21 Department is not doing an investigation, that was
22 turned immediately over, the homicide investigation
23 was turned immediately over to St. Louis County.

24 As far as civil rights is concerned,
25 FBI is notoriously tight lipped. So, no, we would

1 not give him any information.

2 MS. ALIZADEH: We can ask him when he
3 testifies what he may have learned or whatever or
4 what have. Are you aware that there is all kind of
5 rumors and talk about various things involving what
6 people believe happened in this case, correct?

7 A Yes.

8 Q And to your knowledge though, as far as
9 the physical evidence like where the shell casings
10 were or where blood was found or any of that type of
11 evidence, he wouldn't have privy to?

12 A No, he would not be privy to, other than
13 being actually on the scene, but no, no reports.

14 : . When
15 you first, when he said he got to the police
16 station, he washed his hands and he didn't have
17 anybody take pictures because there was nobody else
18 there. But then later he said that he saw
19 a police officer, so was
20 there. Was the only officer that was there?

21 A At that time, I think the way I
22 interpreted his statement to us is he gets to the
23 station, no one is there that he sees immediately.
24 I don't believe he went searching, he didn't say he
25 went searching, but he has blood on his hands. His

1 first thought is let me get this off.

2 So when he goes to the roll call
3 room, then he says Officer

4

5 And then they have whatever brief
6 conversation that he was involved in a shooting,
7 that's it.

8 : Your interview with him
9 was on 8/28?

10 **A** It was.

11 : The incident took place
12 on 8/9?

13 **A** It did.

14 : Was there a reason why
15 you took that long of a time between, I think that
16 you were in an interview with a witness the day
17 after or three days after it took place?

18 **A** Yes, ma'am.

19 : If it is about him.

20 **A** Correct.

21 I was just wondering why
22 the interviews were so --

23 **A** I know that.

24 : I'm just curious.

25 **A** No, the reason why because he had been

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1 interviewed, because we had an audiotaped statement
2 and what was more important, we had witnesses out
3 there who had not been interviewed. We felt it was
4 most important to get those witnesses.

5 MS. WHIRLEY:

6 : Yes, . I want to
7 go back to when Michael Brown says, "fuck what you
8 have to say."

9 A Yes.

10 : Officer Wilson puts his
11 car in reverse?

12 A Yes, sir.

13 : Did he mention he said,
14 what did you say?

15 A He didn't specifically, that's not in my
16 notes. Are you asking if Officer Wilson asked what
17 did you say?

18 : Yes.

19 A No, I can't remember if I remember from
20 the interview or from hearing his statement. I
21 didn't specifically write it down and normally if I
22 don't specifically remember from that interview or
23 write it down, it doesn't mean it wasn't said, I
24 don't recall.

25 : Okay. You also mention, I

1 guess, the part where he was charging him, he had
2 his hands, can I stand up?

3 **A** Yes, sir.

4 : He had his hands on the
5 right side?

6 **A** Yes, he said right.

7 : And he started charging
8 him.

9 **A** Yes, sir.

10 : With his head down, is
11 that correct?

12 **A** When he said head down, I don't know, let
13 me refer to my notes to make expire I have it right.

14 : I'm just saying because I
15 guess he's listed like at 6'4", 6'5".

16 **A** Yes, sir.

17 : Seems that would be kind
18 of awkward for somebody to be charging you that way?

19 **A** It was, I can give me you my impression
20 that I don't think it was quite at that right angle
21 that you demonstrated from, just to describe for the
22 court reporter. He said head down. At what angle,
23 I'm not sure.

24 MS. WHIRLEY: Can you demonstrate the
25 angle, did he demonstrate the angle for you?

1 **A** Leaning forward, yes I don't --

2 MS. WHIRLEY: Can you stand up and show us
3 what he showed you?

4 **A** Just leaned over.

5 MS. ALIZADEH: Any other questions?

6 : . To

7 coincide with what he said, the question he asked,
8 is it possible that he could have got hit there and
9 bent over from pain?

10 **A** I can't answer that. I'm not a forensic
11 pathologist or a doctor, that would be more --

12 I did have a question.

13 When Officer Wilson, going back to the office.

14 **A** Yes, ma'am.

15 : The department office.

16 Did he say after he washed his hands why he did not
17 write a report?

18 **A** No, he didn't.

19 : Did he have, did you ask
20 the question?

21 **A** I didn't. I can only speak from generally
22 in those cases when an officer is involved in a
23 shooting, I know they tell us to not talk to anybody
24 until our attorney is present. So that could be a
25 huge factor. Is that his answer? I don't know, I

1 was just to answer generally.

2 MS. WHIRLEY: .

3 : I'm just hoping that I
4 have written this down correctly. But I believe you
5 had mentioned that Officer Wilson, Darren Wilson
6 said he went to his vehicle, which was still
7 running, reached in and shut off the car. That's
8 the first I heard of that.

9 A He pulled the keys out of the car.

10 : It was still running?

11 A Yes, that's the impression that I got that
12 the car is in park, I'm assuming because the car
13 would have been rolling away if he didn't at least
14 put it in park.

15 : Okay.

16 A He didn't specifically say that, he got
17 the keys out of the car.

18 : Okay.

19 A I thought it was still running.

20 : Okay.

21 A I thought that was what he had said.

22 : That was your
23 interpretation?

24 A No, I thought he said that.

25 Were those his words?

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1 **A** I believe those were his words.

2 You believe those were his
3 words. And then he goes on to state, if I'm
4 understanding this correctly, that Sergeant is
5 that correct, ?

6 **A** Yes.

7 : Okay. Told him to get
8 back in his vehicle, is that my understanding?

9 **A** Yes.

10 In the vehicle in question
11 that was involved in this incident?

12 **A** That is what Sergeant told him, that
13 is not what Officer Wilson did.

14 : Okay.

15 **A** That's what Officer Wilson said Sergeant
16 told him.

17 : Okay. And he didn't do it
18 and then told him to take personal
19 patrol car and drive back to Ferguson. Is this in
20 with another officer in the vehicle with him or
21 another?

22 **A** By himself.

23 : By himself. I thought
24 there was another officer involved or something.

25 My understanding, like I said, when he got

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1 to the Ferguson Police Department, he had blood on
2 his hands reported. He wasn't photographed, nobody
3 knows how much blood he had on his hands, anything
4 left in vehicle?

5 **A** That's a good question. I don't know. I
6 don't know that Sergeant vehicle was looked
7 at.

8 : Okay.

9 MS. WHIRLEY: Anything else? Kathi?

10 MS. ALIZADEH: I've got nothing else.
11 Again, you were active in other aspects of this
12 investigation and should we need to recall you on a
13 future date, would you be available to testify?

14 **A** I would.

15 MS. ALIZADEH: All right. Nothing
16 further.

17 (This is the end of
18 testimony.)

19 (Recess)

20 MS. ALIZADEH: This is Kathi Alizadeh. It
21 is about 3:20 on the 16th of September. We are
22 about to call our final witness, Darren Wilson. And
23 as usual, Sheila and I will be asking him questions
24 and you are free to ask questions either
25 interrupting or wait until the end, however you feel

1 is better for the flow of things.

2 He is here and prepared to answer
3 questions. I would tell you that any conversations
4 that he has had with his attorney, because you heard
5 him talk and we have heard testimony that he has had
6 an attorney during parts of this, anything that he
7 and his attorney have talked about are what we call
8 privileged communications. And so you can't ask him
9 about what did you tell your attorney or what did
10 your attorney say about that, all right.

11 Any other questions that you think are
12 relevant are fair game, but the communications
13 between anyone and their attorney are privileged and
14 we can't inquire about that, all right? All right.
15 That being said, I am going to let him walk in and
16 get sworn.

17 DARREN WILSON,
18 of lawful age, having been first duly sworn to
19 testify the truth, the whole truth, and
20 nothing but the truth in the case aforesaid,
21 deposes and says in reply to oral
22 interrogatories, propounded as follows, to-wit:

23 EXAMINATION

24 BY MS. WHIRLEY:

25 Q So introduce yourself to the grand jurors,

1 tell us your name and spell your name for the court
2 reporter, please?

3 A My name is Darren Wilson. D-A-R-R-E-N,
4 last name W-I-L-S-O-N.

5 Q Have you appeared before this grand jury
6 before?

7 A No, I have not.

8 Q So you've never, nobody is familiar to you
9 here, correct?

10 A No, ma'am.

11 Q All right. You are currently on leave or
12 what's your status right now?

13 A I am on paid administrative leave.

14 Q Now, we have never met before, have we?

15 A No, ma'am.

16 Q And we did meet right before you came here
17 today, when you came here today and I talked to you
18 and your attorneys?

19 A Correct.

20 Q And you came here voluntarily?

21 A Correct.

22 Q And you were told that if you wanted to
23 consult with your attorneys you could?

24 A Correct.

25 Q Okay. And you want to be here and tell

1 the jurors what happened; is that correct?

2 A That's correct.

3 Q So August the 9th of 2014, you worked as a
4 police officer for the Ferguson Police Department?

5 A Correct.

6 Q That means you are a certified police
7 officer?

8 A Correct.

9 Q Had you completed all your training and
10 kept up with your continuing education as a
11 certified officer does?

12 A Yes, ma'am.

13 Q You have the power of arrest?

14 A Correct.

15 Q In the State of Missouri?

16 A Yes, ma'am.

17 Q What's your height?

18 A 6'4", just a shy under 6'4".

19 Q A little under 6'4"?

20 A Yes, ma'am.

21 Q And how much do you currently weigh?

22 A 210-ish.

23 Q That's been your weight for a while?

24 A Yeah, it fluctuates between 205, 212, 213,
25 something like that.

1 Q Of course everybody knows why we're here,
2 so let's just get to it.

3 A Okay.

4 Q Let's talk about your day on August the
5 9th. What shift did you work?

6 A Day shift.

7 Q And what shift would that be, what hours?

8 A 6:30 a.m. to 6:30 p.m.

9 Q Twelve hour shift?

10 A Correct.

11 Q Had you worked the day before?

12 A Yes, I had.

13 Q Same shift?

14 A Yes.

15 Q You weren't working like midnights the
16 night before?

17 A No, ma'am.

18 Q When you started your shift, did anything
19 happen that you consider very eventful? I mean,
20 earlier that day, prior to 10:00 let's say, 10:00
21 a.m.

22 A No, ma'am.

23 Q Had you answered any calls prior to 10:00
24 a.m.?

25 A I don't recall, I don't believe so, but I

1 don't recall, nothing stands out in my memory.

2 Q It was a pretty quiet day initially?

3 A Yes, ma'am.

4 Q Now, at some point you had a sick call, a
5 sick baby, I think?

6 A Yes, ma'am.

7 Q And that would have been 11-ish or so?

8 A I think it was around 11:30-ish, somewhere
9 in that vicinity.

10 Q That was near the Canfield Green
11 Apartments?

12 A Yes, ma'am, it was actually past them in
13 the adjoining apartment complex.

14 Q And what do they call those apartments?

15 A I believe that apartment is called
16 Northwinds.

17 Q Northwinds. Okay. And it is like east of
18 the Canfield Green, behind those apartments?

19 A Correct.

20 Q When you went on that call, did you have
21 assistance?

22 A No, I did not.

23 Q All right.

24 A Not police assistance.

25 Q No police assistance?

1 **A** No.

2 **Q** You handled that call by yourself?

3 **A** Yes, ma'am.

4 **Q** And did you have any confrontation with
5 anybody or was everything, was it a pretty as a
6 matter of fact call?

7 **A** It was a pretty laid-back call. It was
8 for a sick infant, I believe, only a couple months
9 old.

10 **Q** Okay.

11 **A** I believe she had a fever, I'm not
12 100 percent sure.

13 **Q** Let me ask this question, can everybody
14 hear him? Speak up. I usually stand in the back of
15 the room so we can have a conversation. As you can
16 tell, my voice really carries, so try to, you know,
17 speak up so everybody can hear you.

18 **A** Okay.

19 **Q** So the baby was an infant?

20 **A** Correct.

21 **Q** Was the baby not breathing, what was the
22 call, do you recall?

23 **A** I believe it was for a fever.

24 **Q** Fever you said, I'm sorry.

25 Ambulance arrived?

1 **A** Yes, ambulance arrived at the same time I
2 arrived.

3 **Q** Okay. Baby went to the hospital with its
4 mother?

5 **A** The mother and baby were transported.

6 **Q** After that, what did you do?

7 **A** I returned to my vehicle and then started
8 to leave the apartment complex.

9 **Q** Okay. Did you get any other calls between
10 the time of the sick baby call and your interaction
11 with Michael Brown and Dorian Johnson?

12 **A** While on the sick case call, a call came
13 out for a stealing in progress from the local market
14 on West Florissant, that the suspects traveling
15 towards QT. I didn't hear the entire call, I was on
16 my portable radio, which isn't exactly the best. I
17 did hear that a suspect was wearing a black shirt
18 and that a box of Cigarillos was stolen.

19 **Q** Okay. And was this your call or you just
20 heard the call?

21 **A** It was not my call, I heard the call.

22 **Q** Some other officers were dispatched to
23 that call?

24 **A** I believe two others were.

25 **Q** Was it a call that you were going to go to

1 also?

2 **A** No.

3 **Q** So you weren't really geared to handle
4 that call?

5 **A** No.

6 **Q** Tell us how you were dressed that day on
7 August the 9th?

8 **A** How I was dressed?

9 **Q** Yes.

10 **A** I was wearing my full department uniform,
11 light duty boots, dark navy blue pants, my issue
12 duty belt, with my uniform shirt and that was it.

13 **Q** All right. And so when you say, when you
14 are in uniform, you were not a detective?

15 **A** No, ma'am.

16 **Q** You weren't dressed the way you are
17 dressed here today?

18 **A** No, ma'am.

19 **Q** So your uniform is like a uniform police
20 officer and when you are walking around I can
21 clearly see oh, that's a police officer?

22 **A** Yes, ma'am, I believe it is french blue
23 uniform shirt, had patches for Ferguson on both
24 sides, badge, name tag.

25 **Q** Okay. And you were in what type of

1 vehicle?

2 **A** I was in a Chevy Tahoe police vehicle
3 fully marked with a light bar.

4 **Q** Fully marked, okay. Tell us, you were
5 mentioning your radio or what is this you spoke
6 about?

7 **A** Walkie is what we normally call it.

8 **Q** I'm sorry?

9 **A** Our walkie is what we normally call it.

10 **Q** Like a walkie-talkie or something?

11 **A** Yes, ma'am.

12 **Q** And it did work that day?

13 **A** Yes.

14 **Q** Okay. And it was on which shoulder?

15 **A** I wear it on my left shoulder.

16 **Q** Are you left or right-handed?

17 **A** I'm right-handed.

18 **Q** Okay. Tell us what else is on your duty
19 belt?

20 **A** I have my, I'll go in order. Magazine
21 pouches sit right here, my weapon is on my right
22 hip, I have an asp that sits kind of behind me and
23 kind of to the right and then a set of handcuffs,
24 another set of handcuffs, my OC spray or mace is on
25 this side and then my radio and that's it.

1 Q Okay. So your mace is on your left side
2 and your gun is on your right side?

3 A Correct.

4 Q What type of weapon did you carry?

5 A I carry Sig Sauer, a P229 .40 caliber.

6 Q How many cartridges or bullets would it
7 hold?

8 A It has 12 in the magazine and one goes in
9 the chamber, so a total of 13.

10 Q You had a couple spare magazines on your
11 belt?

12 A Correct.

13 Q That had 12 each?

14 A Correct.

15 Q Did you carry a taser?

16 A No.

17 Q Why not?

18 A I normally don't carry a taser. We only
19 have a select amount. Usually there is one
20 available, but I usually elect not to carry one. It
21 is not the most comfortable thing. They are very
22 large, I don't have a lot of room in the front for
23 it to be positioned.

24 Q Had you been trained on how to use a
25 taser?

1 **A** Yes, ma'am.

2 **Q** Have you ever used a taser before?

3 **A** I believe I have, but it wasn't one that I
4 carried. It was one that I used from someone else
5 on a scene. I can't remember the time or where I
6 used it.

7 **Q** You prefer not to have a taser?

8 **A** Correct.

9 **Q** So that day you had mace, you said, on
10 your left side?

11 **A** Correct.

12 **Q** All right. You are coming west, is it on
13 Canfield Drive?

14 **A** Yes, I started out on Glenark and then I
15 turn onto Bahama and then onto Glen Owen, and then I
16 turned on Windward, which actually turns into
17 Canfield Green and that's where I was going west on
18 that.

19 **Q** West on Canfield Drive?

20 **A** Yes, ma'am.

21 **Q** Okay. We are going to get a map here
22 shortly so you can kind of map it out for us.

23 So as you are going west on Canfield
24 Drive, what happens?

25 **A** As I was going west on Canfield, I

1 observed two men in the middle of the street, they
2 are walking along the double yellow line single file
3 order.

4 Q Okay. And you say something to them, did
5 they say something to you first?

6 A No, you want me to just go with the whole
7 thing?

8 Q Sure, go ahead, let's start there.

9 A I see them walking down the middle of the
10 street. And first thing that struck me was they're
11 walking in the middle of the street. I had already
12 seen a couple cars trying to pass, but they couldn't
13 have traffic normal because they were in the middle,
14 so one had to stop to let the car go around and then
15 another car would come. And the next thing I
16 noticed was the size of the individuals because
17 either the first one was really small or the second
18 one was really big.

19 And just for the conversation, I
20 didn't know this then, but the first one's name was
21 Dorian Johnson, the second one was Michael Brown.
22 That was discovered, I think, the following day is
23 when I learned the names. I had never seen them
24 before.

25 And then the next thing I notice was

1 that Brown had bright yellow socks on that had green
2 marijuana leaves as a pattern on them. They were
3 the taller socks that go halfway up your shin.

4 As I approached them, I stopped a
5 couple feet in front of Johnson as they are walking
6 towards me, I am going towards them. And I allowed
7 him to keep walking towards my window, which was
8 down. As Johnson came around my driver's side
9 mirror I said, "why don't you guys walk on the
10 sidewalk." He kept walking, as he is walking he
11 said, "we are almost to our destination."

12 Q Do you think he used those words
13 destination, we are almost to our destination?

14 A Yes, ma'am. He said we are almost to our
15 destination and he pointed this direction over my
16 vehicle. So like in a northeasternly (sic)
17 direction. And as he did that, he kept walking and
18 Brown was starting to come around the mirror and as
19 he came around the mirror I said, "well, what's
20 wrong with the sidewalk." Brown then replied, um,
21 it has vulgar language.

22 Q You can say it, say it.

23 A Brown then replied, "fuck what you have to
24 say." And when he said that, it drew my attention
25 totally to Brown. It was a very unusual and not

1 expected response from a simple request.

2 When I start looking at Brown, first
3 thing I notice is in his right hand, his hand is
4 full of Cigarillos. And that's when it clicked for
5 me because I now saw the Cigarillos, I looked in my
6 mirror, I did a doublecheck that Johnson was wearing
7 a black shirt, these are the two from the stealing.

8 And they kept walking, as I said,
9 they never once stopped, never got on the sidewalk,
10 they stayed in the middle of the road.

11 So I got on my radio and Frank 21 is
12 my call sign that day, I said Frank 21 I'm on
13 Canfield with two, send me another car.

14 I then placed my car in reverse and
15 backed up and I backed up just past them and then
16 angled my vehicle, the back of my vehicle to kind of
17 cut them off kind to keep them somewhat contained.

18 As I did that, I go to open the door
19 and I say, hey, come here for a minute to Brown. As
20 I'm opening the door he turns, faces me, looks at me
21 and says, "what the fuck are you going to do about
22 it", and shuts my door, slammed it shut. I haven't
23 even got it open enough to get my leg out, it was
24 only a few inches.

25 I then looked at him and told him to

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1 get back and he was just staring at me, almost like
2 to intimidate me or to overpower me. The intense
3 face he had was just not what I expected from any of
4 this.

5 I then opened my door again and used
6 my door to push him backwards, and while I'm doing
7 that I tell him to, "get the fuck back", and then I
8 use my door to push him.

9 Q You tell him to, "get the fuck back"?

10 A Yes.

11 Q Okay.

12 A He then grabs my door again and shuts my
13 door. At that time is when I saw him coming into my
14 vehicle. His head was higher than the top of my
15 car. And I see him ducking and as he is ducking,
16 his hands are up and he is coming in my vehicle.

17 I had shielded myself in this type of
18 manner and kind of looked away, so I don't remember
19 seeing him come at me, but I was hit right here in
20 the side of the face with a fist. I don't think it
21 was a full-on swing, I think it was a full-on swing,
22 but not a full shot. I think my arm deflected some
23 of it, but there was still a significant amount of
24 contact that was made to my face.

25 Q Now, he was hitting you with what hand?

1 **A** I believe it was his right, just judging
2 by how we were situated.

3 **Q** Right.

4 **A** But like I said, I had turned away, had my
5 eyes, I was shielding myself.

6 **Q** Where did you see the Cigarillos at?

7 **A** They were in his right hand.

8 **Q** Okay. Were there any broken Cigarillos or
9 anything in your car later?

10 **A** No, I don't remember seeing anything on
11 the ground or anything.

12 **Q** Okay.

13 **A** After he hit me then, it stopped for a
14 second. He kind of like, I remember getting hit and
15 he kind of like grabbed and pulled, and then it
16 stopped. When I looked up, if this is my car door,
17 I'm sitting here facing that way, he's here. He
18 turns like this and now the Cigarillos I see in his
19 left hand. He's going like this and he says, "hey
20 man, hold these."

21 **Q** So you start out with Cigarillos in his
22 right hand?

23 **A** Correct.

24 **Q** At this point they are in his left hand?

25 **A** Correct.

1 Q He didn't have like two hands of
2 Cigarillos?

3 A No, I only saw them in one hand.

4 Q You only saw them in one, okay, go ahead.

5 A And he reaches back and he says, "hey man,
6 hold these." I'm assuming to Johnson, but I
7 couldn't see Johnson from my line of sight.

8 Q But you could tell he was giving Johnson
9 Cigarillos?

10 A Yes, I saw them in his hand go around.

11 Q All right.

12 A And he said, "hey man, hold these." And
13 at that point I tried to hold his right arm because
14 it was like this at my car. This is my car window.
15 I tried to hold his right arm and use my left hand
16 to get out to have some type of control and not be
17 trapped in my car any more. And when I grabbed him,
18 the only way I can describe it is I felt like a
19 five-year-old holding onto Hulk Hogan.

20 Q Holding onto a what?

21 A Hulk Hogan, that's just how big he felt
22 and how small I felt just from grasping his arm.

23 And as I'm trying to open the door is
24 when, and I can't really get it open because he is
25 standing only maybe 6 inches from my door, but as I

1 was trying to pull the handle, I see his hand coming
2 back around like this and he hit me with this part
3 of his right here, just a full swing all the way
4 back around and hit me right here. (indicating)

5 After he did that, next thing I
6 remember is how do I get this guy away from me.
7 What do I do not to get beaten inside my car.

8 I remember having my hands up and I
9 thought to myself, you know, what do I do.

10 I considered using my mace, however,
11 I wasn't willing to sacrifice my left hand, which is
12 blocking my face to go for it. I couldn't reach
13 around on my right to get it and if I would have
14 gotten it out, the chances of it being effective
15 were slim to none. His hands were in front of his
16 face, it would have blocked the mace from hitting
17 him in the face and if any of that got on me, I know
18 what it does to me and I would have been out of the
19 game. I wear contacts, if that touches any part of
20 my eyes, then I can't see at all.

21 Like I said, I don't carry a taser, I
22 considered my asp, but to get that out since I kind
23 of sit on it, I usually have to lean forward and
24 pull myself forward to the steering wheel to get it
25 out. Again, I wasn't willing to let go of the one

1 defense I had against being hit. The whole time, I
2 can't tell you if he was swinging at me or grabbing
3 me or pushing me or what, but there was just stuff
4 going on and I was looking down figuring out what to
5 do.

6 Also, when I was grabbing my asp, I
7 knew if I did even get it out, I'm not going to be
8 able to expand it inside the car or am I going to be
9 able to make a swing that will be effective in any
10 manner.

11 Next I considered my flashlight. I
12 keep that on the passenger side of the car. I
13 wasn't going to, again, reach over like this to grab
14 it and then even if I did grab it, would it even be
15 effective. We are so close and confined.

16 So the only other option I thought I
17 had was my gun. I drew my gun, I turned. It is
18 kind of hard to describe it, I turn and I go like
19 this. He is standing here. I said, "get back or
20 I'm going to shoot you."

21 He immediately grabs my gun and says,
22 "you are too much of a pussy to shoot me." The way
23 he grabbed it, do you have a picture?

24 Q I do have some pictures of your gun.
25 Well, you can tell us if it is your gun, I believe

1 it is.

2 **A** My gun was basically pointed this way.
3 I'm in my car, he's here, it is pointed this way,
4 but he grabs it with his right hand, not his left,
5 he grabs with his right one and he twists it and
6 then he digs it down into my hip. (indicating)

7 MS. WHIRLEY: Kathi, can you do the
8 computer? I'm going to let you see these photos
9 from Grand Jury Exhibit Number 10, and there's some
10 numbers on the back of these photos just so we can
11 keep track of what you are looking at. And I'm
12 going to announce what they are and then I will let
13 you tell us a little bit about them, okay?

14 **A** All right.

15 **Q** Let me just get my glasses. These are
16 Grand Jury Exhibit Number 10, but the photo that I'm
17 showing you is 60, 66, 63, so they're not in order
18 and then 69, so if you could look at all of those
19 photos. And tell me if that represents what you
20 know to be your weapon and your ammunition?

21 **A** Yes, it does.

22 **Q** Let me see if we can get this, let me try
23 to get this started. We'll talk a little bit about
24 while we're working on that. So those are photos of
25 your weapons; is that correct?

1 **A** Yes, ma'am.

2 **Q** And would those photos help you to sort of
3 explain or to explain to the grand jurors what took
4 place regarding the struggle with your weapon that
5 you were trying to describe to us?

6 **A** I think this would be the most helpful.

7 **Q** Okay. And we are going to put it on the
8 projector as soon as we can and have you, you know,
9 tell us what's going on.

10 I have a few other questions while we
11 are waiting on that. So during the time that he's,
12 you said Michael Brown is striking you in the face
13 through the car door?

14 **A** Right.

15 **Q** And it was your opinion that you needed to
16 pull out your weapon because why did you feel that
17 way, I don't want to put words in your mouth?

18 **A** I felt that another one of those punches
19 in my face could knock me out or worse. I mean it
20 was, he's obviously bigger than I was and stronger
21 and the, I've already taken two to the face and I
22 didn't think I would, the third one could be fatal
23 if he hit me right.

24 **Q** You thought he could hit you and it would
25 be a fatal injury?

1 **A** Or at least unconscious and then who knows
2 what would happen to me after that.

3 **Q** There you go, thank you, Kathi.

4 You had not ever met Michael Brown or
5 Dorian Johnson before this date?

6 **A** No, ma'am.

7 **Q** Never had any interaction with them at
8 all?

9 **A** No, ma'am.

10 **Q** Okay. So this is Number 60. Why don't
11 you come over here, Darren Wilson, and kind of tell
12 us.

13 **A** If you picture that --

14 **Q** You can do it from there?

15 **A** I can probably show with my hands.

16 **Q** You want to use this to kind of?

17 **A** No, I'll just do it with my hands. If
18 that's pointed at me, I'm holding that like this.
19 So it is pointed at, I would be Brown, he grabbed
20 with his hand over the top like this manner and then
21 twisted it down like this. And when it twisted, it
22 ended up being like this in my hip. That's all I
23 needed that for. (indicating)

24 **Q** That's all you needed?

25 **A** Yeah, just so I can show them how it

1 twisted and went down into my hip.

2 Q Okay. Since we have the projector up,
3 let's look at some of the photographs because you
4 did go to the doctor or to the hospital; is that
5 right?

6 A Yes, ma'am.

7 Q And you mentioned being struck in the face
8 before you pulled your weapon?

9 A Yes, ma'am.

10 Q So let's just look at those before we move
11 on since we are here. These are also from State's
12 Exhibit Number, Grand Jury Exhibit Number 10.

13 If you could look at these photos,
14 you do know those to be you, correct?

15 A Yes, ma'am.

16 Q All right. So you give me that one, I
17 guess I'm going to let Kathi maybe help me here.
18 This is photo number six. And that's you?

19 A Correct.

20 Q Is that you at the hospital on August the
21 9th?

22 A Yes, ma'am.

23 Q And why did you go to the hospital?

24 A For my face being swollen.

25 Q Was there any other injuries that you had

1 other than your face?

2 **A** They had discovered there that I had
3 scratches on the back of my neck.

4 **Q** Okay. Anything else, tell us about your
5 injuries?

6 **A** I had a swollen right cheek, my left they
7 said was swollen, I had scratches around my hairline
8 in the back and I think on the side of my neck, but
9 that's all that I remember.

10 **Q** Any injuries to your hand?

11 **A** No.

12 **Q** Okay, let's see. Show me which one of
13 those photos duplicates the injury to your face?

14 **A** That one you can see the right side of my
15 face swollen pretty good.

16 **Q** Okay. And this is Number 12?

17 **A** That one looks like it has bruising and
18 swelling on it.

19 **Q** Where is the swelling to your face on that
20 one?

21 **A** It was on my right side, that was the main
22 injury.

23 **Q** Point to it for us?

24 MS. ALIZADEH: Here, if you want to use
25 the laser pointer, hopefully it will work.

1 **A** Right in this area. (indicating)

2 **Q** (By Ms. Whirley) That's the swelling to
3 your face?

4 **A** Yes, ma'am.

5 **Q** Okay. And this is Number 30 and you said
6 this depicts the swelling too?

7 **A** I think it shows the bruising on the side
8 of my face.

9 **Q** The bruising on the side of your face.
10 And kind of show us where you see the bruising?

11 **A** This area right here. (indicating)

12 MS. WHIRLEY: Yes.

13 : . Can we pass
14 those around?

15 MS. ALIZADEH: I'm going to, yeah, I'm
16 going to.

17 **A** That was kind of the same.

18 **Q** (By Ms. Whirley) Okay. This is number 24?

19 MS. ALIZADEH: Wait a minute, there is
20 two.

21 MS. WHIRLEY: 24 is what I'm trying to
22 look at.

23 MS. ALIZADEH: This is 27.

24 MS. WHIRLEY: This is 24. Now, what are
25 we looking at there?

1 **A** That's the left side of my face.

2 **Q** (By Ms. Whirley) So you had, describe what
3 we are looking at?

4 **A** I can't really tell from that.

5 **Q** Okay.

6 **A** I can't see from this angle.

7 **Q** Let me let you look at it again.

8 **A** I think there was swelling to my face in
9 that area too. I never saw my face after, this is
10 the first I've seen.

11 **Q** Does it look like swelling? You know your
12 face better than we do, does that look like
13 swelling?

14 **A** I can't tell with that angle with the
15 ruler.

16 **Q** You can't tell on that one? What about
17 this one?

18 **A** That one I can tell from down by my, down
19 in this area looks swollen to me.

20 **Q** Okay. And this is Number 27. Were there
21 any other photos that you think kind of show your
22 injuries?

23 **A** This one you can see the scratches in that
24 area.

25 **Q** Okay.

1 **A** Here is a close-up of it.

2 **Q** This is Number 33 and you say you can see
3 scratches on the back of your neck?

4 **A** Right in here. (indicating)

5 **Q** Okay.

6 **A** This is just showing the red marks on my
7 face on this one, on my neck on that one.

8 **Q** Okay. This is Number 54. And you can
9 kind of point to where the red marks are on your
10 neck?

11 **A** It is hard to see on that. It is in this
12 area right there. (indicating)

13 **Q** Okay.

14 **A** Most of those are the same.

15 **Q** Okay. Any more of those you want us to
16 see?

17 **A** It is hard to tell from the pictures and
18 that angle. I think the best one was looking
19 straight forward at me.

20 **Q** Okay. And they've already got those. All
21 right, thank you.

22 All right. So you suffered the
23 injury to your face and you showed us where the gun
24 was grabbed and at the time when there is a struggle
25 for the gun, take us from there.

1 **A** He grabs my gun, says, "you are too much
2 of a pussy to shoot me." The gun goes down into my
3 hip and at that point I thought I was getting shot.
4 I can feel his fingers try to get inside the trigger
5 guard with my finger and I distinctly remember
6 envisioning a bullet going into my leg. I thought
7 that was the next step.

8 **Q** I'm going to stand back so you can talk a
9 little louder.

10 **A** As I'm looking at it, I'm not paying
11 attention to him, all I can focus on is just this
12 gun in my leg.

13 I was able to kind of shift slightly
14 like this and then push it down, because he is
15 pushing down like to keep it pinned on my leg. So
16 when I slid, I let him use his momentum to push it
17 down and it was kind of pointed to where the seat
18 buckle would attach on the floorboard on the side of
19 my car.

20 Next thing I remember putting my left
21 hand on it like this, putting my elbow into the back
22 of my seat and just pushing with all I could
23 forward.

24 **Q** Were you saying anything?

25 **A** I don't know.

1 **Q** You don't know if he was saying either?

2 **A** I heard stuff, but I couldn't tell you
3 what it was.

4 **Q** Okay.

5 **A** Like I said, I was just so focused on
6 getting the gun out of me. When I did get it up to
7 this point, he is still holding onto it and I pulled
8 the trigger and nothing happens, it just clicked. I
9 pull it again, it just clicked again.

10 At this point I'm like why isn't this
11 working, this guy is going to kill me if he gets
12 ahold of this gun. I pulled it a third time, it
13 goes off. When it went off, it shot through my door
14 panel and my window was down and glass flew out of
15 my door panel. I think that kind of startled him
16 and me at the same time.

17 When I see the glass come up, it
18 comes, a chunk about that big comes across my right
19 hand and then I notice I have blood on the back of
20 my hand.

21 After seeing the blood on my hand, I
22 looked at him and he was, this is my car door, he
23 was here and he kind of stepped back and went like
24 this.

25 And then after he did that, he looked

1 up at me and had the most intense aggressive face.
2 The only way I can describe it, it looks like a
3 demon, that's how angry he looked. He comes back
4 towards me again with his hands up.

5 At that point I just went like this,
6 I tried to pull the trigger again, click, nothing
7 happened.

8 Q When you say he came back up to you with
9 his hands up, describe to us what he is doing?

10 A Last thing I saw was this coming at me.

11 Q Was it a fist?

12 A I just saw his hands up, I don't know if
13 they were closed yet, on the way to going closed, I
14 saw this and that face coming at me again, and I
15 just went like this and I shielded my face.

16 Q And you did what?

17 A Went like this and shielded my face.

18 Q Did he hit you at that time?

19 A Yes.

20 Q Okay. Go ahead.

21 A So I pulled the trigger, it just clicks
22 that time. Without even looking, I just grab the
23 top of my gun, the slide and I racked it, and I put
24 my, still not looking just holding my hand up, I
25 pulled the trigger again, it goes off. When I look

1 back after that --

2 Q So how many times does it go off in the
3 car?

4 A It went off twice in the car. Pull,
5 click, click, went off, click, went off. So twice
6 in the car.

7 Q Are you certain?

8 A Yes.

9 Q Okay.

10 A When I look up after that, I see him start
11 to run and I see a cloud of dust behind him. I then
12 get out of my car. As I'm getting out of the car I
13 tell dispatch, "shots fired, send me more cars."

14 We start running, kind of the same
15 direction that Johnson had pointed. Across the
16 street like a diagonal towards this, kind of like
17 where the parking lot came in for Copper Creek Court
18 and Canfield, right at that intersection. And there
19 is a light pole right there, I remember him running
20 towards the light pole.

21 We pass two cars that were behind my
22 police car while we were running. I think the
23 second one was Pontiac Grand Am, a green one. I
24 don't know if it was a two door or four door, I just
25 remember seeing a Pontiac green Grand Am.

1 When I passed the second one, about
2 that same time he stopped running and he is at that
3 light pole. So when he stopped, I stopped. And
4 then he starts to turn around, I tell him to get on
5 the ground, get on the ground.

6 He turns, and when he looked at me,
7 he made like a grunting, like aggravated sound and
8 he starts, he turns and he's coming back towards me.
9 His first step is coming towards me, he kind of does
10 like a stutter step to start running. When he does
11 that, his left hand goes in a fist and goes to his
12 side, his right one goes under his shirt in his
13 waistband and he starts running at me.

14 Q You say under his shirt?

15 A Yes.

16 Q Was he wearing a shirt that was longer
17 than his waistband?

18 A Yes, ma'am.

19 Q So he goes up under the shirt?

20 A Yes.

21 Q Okay. Go ahead.

22 A That was all done, like I said, the first
23 step, his first stride coming back towards me.

24 As he is coming towards me, I tell,
25 keep telling him to get on the ground, he doesn't.

1 I shoot a series of shots. I don't know how many I
2 shot, I just know I shot it.

3 I know I missed a couple, I don't
4 know how many, but I know I hit him at least once
5 because I saw his body kind of jerk or flinched.

6 I remember having tunnel vision on
7 his right hand, that's all, I'm just focusing on
8 that hand when I was shooting.

9 Well, after the last shot my tunnel
10 vision kind of opened up. I remember seeing the
11 smoke from the gun and I kind of looked at him and
12 he's still coming at me, he hadn't slowed down.

13 At this point I start backpedaling
14 and again, I tell him get on the ground, get on the
15 ground, he doesn't. I shoot another round of shots.
16 Again, I don't recall how many it was or if I hit
17 him every time. I know at least once because he
18 flinched again.

19 At this point it looked like he was
20 almost bulking up to run through the shots, like it
21 was making him mad that I'm shooting at him.

22 And the face that he had was looking
23 straight through me, like I wasn't even there, I
24 wasn't even anything in his way.

25 Well, he keeps coming at me after

1 that again, during the pause I tell him to get on
2 the ground, get on the ground, he still keeps coming
3 at me, gets about 8 to 10 feet away. At this point
4 I'm backing up pretty rapidly, I'm backpedaling
5 pretty good because I know if he reaches me, he'll
6 kill me.

7 And he had started to lean forward as
8 he got that close, like he was going to just tackle
9 me, just go right through me.

10 **Q** Can you demonstrate for us how he was
11 leaning forward?

12 **A** His hand was in a fist at his side, this
13 one is in his waistband under his shirt, and he was
14 like this. Just coming straight at me like he was
15 going to run right through me. And when he gets
16 about that 8 to 10 feet away, I look down, I
17 remember looking at my sites and firing, all I see
18 is his head and that's what I shot.

19 I don't know how many, I know at
20 least once because I saw the last one go into him.
21 And then when it went into him, the demeanor on his
22 face went blank, the aggression was gone, it was
23 gone, I mean, I knew he stopped, the threat was
24 stopped.

25 When he fell, he fell on his face.

1 And I remember his feet coming up, like he had so
2 much momentum carrying him forward that when he
3 fell, his feet kind of came up a little bit and then
4 they rested.

5 At that point I got back on the radio
6 and said, "send me a supervisor and every car you
7 got."

8 Q Okay. So when the shots were first fired
9 in your car, you said you believe you fired two
10 shots in the car?

11 A Yes, two actually went off in the car.

12 Q Two went off in the car. And at this
13 point, the second shot, is that when he ran?

14 A After the second shot, yes.

15 Q After the second shot. Are you still in
16 the car?

17 A When he starts to run?

18 Q Yes.

19 A Yes, ma'am.

20 Q Okay. Do you, at that time, do you say
21 shots fired?

22 A As I'm exiting the car to chase him, yes.

23 Q Did you know that radio dispatch did not
24 go out?

25 A No, I didn't find out until later while I

1 was actually driving back to the station that my
2 portable radio was on channel 3 and our main channel
3 was channel 1.

4 Q So nobody heard you say shots fired to
5 your knowledge?

6 A To my knowledge.

7 Q Okay.

8 A They did ask me why my radio for the car
9 was laying on the floorboard, asked me if I used
10 that. I don't remember using that radio. I, for
11 some reason, remember using this one. It could have
12 been sitting in my lap, there is also that chance
13 that I used that one. I don't know which one that I
14 used.

15 MS. ALIZADEH: I'm sorry, when you say
16 your radio, you mean the mike --

17 A The mike, yes, ma'am.

18 MS. ALIZADEH: -- for the radio? The
19 radio is attached to the dash, correct?

20 A Yes, it is in the center console. So the
21 mike was probably in my lap at some point.

22 MS. ALIZADEH: The mike, okay.

23 Q (By Ms. Whirley) All right. So you're in
24 the car, you fire two shots and he's running and you
25 get out of the car to chase after him and tell us

1 your rationale, what you are thinking now?

2 **A** When I'm chasing him?

3 **Q** Yes. You get out of the car and run after
4 him.

5 **A** My main goal was to keep eyes on him and
6 just to keep him contained until I had people coming
7 there. I knew I had already called for backup and I
8 knew they were already in the area for the stealing
9 that was originally reported. So I thought if I can
10 buy 30 seconds of time, that was my original goal
11 when I tried to get him to come to the car. If I
12 could buy 30 seconds of time, someone else will be
13 here, we can make the arrest, nothing happens, we
14 are all good. And it didn't happen that way.

15 So when he ran, you know, just stay
16 with him, someone is going to be here, you know,
17 we'll get him.

18 **Q** And when you, when the second shot was
19 fired inside the car, did you think he was hit at
20 all?

21 **A** No, I thought I missed.

22 **Q** Both shots. You didn't see any blood on
23 him?

24 **A** The first shot, judging by his reaction,
25 he went back, I thought it went through the door and

1 hit him in the leg, in the hip, is what I thought.

2 Q Okay.

3 A The second one I saw the cloud of dust and
4 him running, I knew I missed.

5 Q Okay. So you got out of the car, you are
6 running, you are telling him to stop; is that right?

7 A Correct.

8 Q And he's not listening?

9 A No, not until he gets to that light pole
10 and that's when he stopped.

11 Q To what now?

12 A He gets to that light pole at that
13 intersection.

14 Q Are you firing at him while he's running?

15 A No, ma'am.

16 Q Is Dorian Johnson anywhere around?

17 A I never saw him after the very beginning.
18 Once he walked past my car, I never saw him again.

19 Q Okay. All right. And at some point you
20 say Michael Brown does turn around?

21 A Yes, ma'am.

22 Q Any idea what happened to make him turn
23 around or he just all of the sudden turns around?

24 A No, just turns around. His whole reaction
25 to the whole thing was something I've never seen.

1 I've never seen that much aggression so quickly from
2 a simple request to just walk on the sidewalk.

3 Q Okay. Because you never did talk to him
4 about the Cigarillos or the stealing at the Ferguson
5 Market?

6 A No, I never had the chance to.

7 Q All right. You said when he's coming back
8 at you with his hand, right hand in his waistband
9 and kind of charging, that's when you fired the last
10 shots?

11 A Yes, ma'am.

12 Q And he went down?

13 A Yes, ma'am.

14 Q Did you think he was dead at that point?

15 A Yes, I did.

16 Q What did you do after that when he goes
17 down?

18 A After that is when I got back on the radio
19 and I said, "send me a supervisor and every car you
20 have."

21 Seconds later, I don't know how many
22 seconds later, is when Officer followed by
23 Officer arrived. And I believe they were the
24 ones that were assigned to the stealing call
25 originally. walked up to me and said,

1 Darren, what do you need.

2 MS. ALIZADEH: Said what?

3 **A** Darren, what do you need. I don't
4 remember what my reply was and he said, did you call
5 for an ambulance. I said I haven't, will you. I
6 remember him calling twice, like he was about from
7 me to you away on the radio calling.

8 And then I look across and was
9 starting to tape off the area, but I notice that all
10 of our cars are parked this way, Brown is laying
11 here, there is nothing on this side. I told
12 to move his car to this side to block that side of
13 the street off. He did that and then he resumed
14 taping.

15 After that I walked to my car and I
16 put my gun up, I start walking away from the scene.
17 As I'm walking away, I walk back to my car and I
18 don't know if the door was open or shut, I think it
19 was shut. I open the door, I reach in, I turn my
20 car off, shut the door. At that time my sergeant
21 pulled up and I walked over to him.

22 **Q** (By Ms. Whirley) This is Sergeant ?

23 **A** Yes, ma'am.

24 **Q** Okay.

25 **A** I don't remember what started the

1 conversation, he said something first, but I said I
2 have to tell you what happened. And he goes, what
3 happened.

4 I said, I had to kill him.

5 He goes, you what?

6 I said, he grabbed my gun, I shot
7 him, I killed him.

8 He goes, go sit in the car.

9 I said, I cannot sit in the car.

10 I remember him saying, Darren, sit in
11 the car.

12 I said, Sarge, I can't be singled
13 out. It is already getting hostile, I can't be
14 singled out in the car. I will leave if you want me
15 to leave.

16 He said, take my car and leave. So I
17 got in his car and I drove to the police station.

18 Q In your mind him grabbing the gun is what
19 made the difference where you felt you had to use a
20 weapon to stop him?

21 A Yes. Once he was hitting me in the face,
22 that enough, was in my mind to authorize the use of
23 force.

24 Q Okay. So if he would not have grabbed
25 your gun while he was hitting you in the face,

1 everything was the same, but he would not have
2 grabbed the gun, you still would have used deadly
3 force?

4 **A** My gun was already being presented as a
5 deadly force option while he was hitting me in the
6 face.

7 **Q** Okay, all right. So then you go to the
8 station?

9 **A** Yes.

10 **Q** And what happens, you go alone?

11 **A** Yes.

12 **Q** And before you leave for the station,
13 there is a crowd developing, right?

14 **A** Correct.

15 **Q** And do you hear what the crowd is saying?
16 I know you are in a pretty stressful situation, but
17 do you understand or hearing anything that they're
18 saying?

19 **A** I hear yelling, I hear screaming, as I'm
20 walking back to my car, a white Ford truck pulled up
21 and I remember her saying is that so and so? It was
22 a female driver that got out. said, ma'am,
23 we don't know. I heard her say, I think it is so
24 and so, and then she screamed and that's all I
25 heard.

1 I could hear other noises and
2 screaming, but I couldn't hear.

3 Q Okay. We're going to go with you to the
4 station in just a minute, but I wanted to ask you
5 about your relationship with the residents in the
6 Canfield Green Apartments.

7 A Uh-huh.

8 Q Did you guys have a volatile, well, how
9 can I put this. Did you not really get along well
10 with the folks that lived in that apartment, not you
11 personally, I mean the police in general?

12 A It is an antipolice area for sure.

13 Q And when you say antipolice, tell me more?

14 A There's a lot of gangs that reside or
15 associate with that area. There's a lot of violence
16 in that area, there's a lot of gun activity, drug
17 activity, it is just not a very well-liked
18 community. That community doesn't like the police.

19 Q Were you pretty much on high alert being
20 in that community by yourself, especially when
21 Michael Brown said, "fuck what you say," I think he
22 said?

23 A Yes.

24 Q You were on pretty high alert at that
25 point knowing the vicinity and the area that you're

1 in?

2 **A** Yes, that's not an area where you can take
3 anything really lightly. Like I said, it is a
4 hostile environment. There are good people over
5 there, there really are, but I mean there is an
6 influx of gang activity in that area.

7 **Q** All right. So you're driving yourself
8 back to Ferguson, what are you thinking on the drive
9 back to Ferguson?

10 **A** I think I'm just kind of in shock of what
11 just happened, I really didn't believe it because
12 like I said, the whole thing started over will you
13 just walk on the sidewalk and it developed into that
14 in 45 seconds.

15 And that's the only other thing I
16 remember thinking about is I heard the car radio
17 going off and mine wasn't. That doesn't make sense.
18 So I hit the scan button on mine thinking the scan
19 button got messed up, I wasn't getting everything.

20 And I did that and it still, this one
21 is going off and mine's not. So then I looked at it
22 and I was on channel 3. I was like, I don't know
23 what was heard or what wasn't heard.

24 **Q** And that's when you realized that you
25 probably, nobody probably even heard your call for

1 help?

2 **A** Right. I know they heard the initial one
3 because before I put it in reverse I used the car
4 radio, the car mike, which is always on Ferguson
5 channel, it never changes, but I don't know when
6 this one was changed, if they even heard anything.

7 **Q** When you first went out on your call to
8 Canfield Green, you said, I'm going out Frank 21?

9 **A** Frank 21.

10 **Q** I'm going out with two, send me a car?

11 **A** I said, "Frank 21, I'm on Canfield with
12 two, send me another car."

13 **Q** It wasn't a stressful situation at that
14 point?

15 **A** No, it wasn't, but I just had that gut
16 feeling that someone else needed to be there and
17 knowing that this guy just stole from the market
18 because I saw the Cigarillos and had the black
19 shirt, I felt that in order to affect the arrest, it
20 would be better to have.

21 **Q** You asked for this other car before any
22 words were exchanged, correct?

23 **A** No, he had already told me, "fuck what you
24 have to say."

25 **Q** Before you asked for the car, when you

1 said I'm Frank 21, I'm at Canfield Green, send me a
2 car. He had already said, "fuck what you have to
3 say?"

4 **A** Yeah, he had already walked past by my car
5 and said that.

6 **Q** Okay.

7 **A** That's when I saw the Cigarillos when he
8 said that and he kept walking. Then I got on the
9 radio and said, "send me another car."

10 **Q** You didn't tell the dispatcher that you
11 were having a confrontation or that you had these
12 guys who might be the suspects in the stealing?

13 **A** No.

14 **Q** You didn't say that to the dispatcher when
15 you said send me a car?

16 **A** No, it was kind of said in a quicker way,
17 just kind of hey, I want to get the information out,
18 get a car started and once more develops, I can
19 advise them of more.

20 **Q** But you never had a chance to do that?

21 **A** No, I didn't.

22 **Q** Okay. All right. So you drive back to
23 Ferguson by yourself, you are at Ferguson, what do
24 you do?

25 **A** I immediately go to the bathroom. On the

1 way back I found that I had blood on the inside of
2 my left hand and I already know I had it on the back
3 of my right hand. And just from everything we have
4 always been taught about blood, you don't want it on
5 you, you don't touch it, you don't come in contact
6 with it.

7 And my original thought was that it
8 was the glass had cut my wrist and cut my hand,
9 which is why this hand was bleeding. And so
10 thinking that I was cut with someone else's blood on
11 me, I had to wash my hands.

12 So I go directly to the bathroom. I
13 actually washed them, went to the bathroom and then
14 I looked, like I still had it like in my cuticles
15 and stuff, so I washed my hands again. After I
16 washed my hands, I go to our roll call room.

17 Q Let me ask you this, was there a lot of
18 blood?

19 A From like my finger tips to about here was
20 blood.

21 Q Like dripping blood?

22 A No, just on the back of my hand, it wasn't
23 liked wraparound like I dipped my hand in blood, but
24 there was like blood on the back of my hand.

25 Q One of the grand jurors asked earlier, you

1 may know the answer to the question, was there blood
2 left like in Sergeant s car after you got out
3 of it?

4 A I don't know, I did call him and say, I
5 don't know who is going to drive your car later, but
6 I had blood on my hands. You might want to tell
7 them to wipe down the steering wheel or just be
8 cautious of it because I never went back and looked
9 at the car.

10 Q I see. Okay, so go ahead, after you wash
11 your hands?

12 A I then go down the hallway to the roll
13 call room. Once in there, Officer was in
14 there working on the computer.

15 Q Which officer,

16 A

17 Q Do you need that spelled? Spell that,
18 please?

19 A .

20 Q And that's a officer?

21 A Yes.

22 Q And that's a friend of yours?

23 A Yeah, .

24 Q Okay. So there at
25 the station?

1 **A** Yes.

2 **Q** Okay. Go ahead.

3 **A** I come in, looks at me said, you
4 know, what happened. And I said, I just had to
5 shoot somebody.

6 And was kind of in shock and
7 had had, the computer was working on in front of
8 the one next to had, what we call the
9 CADament screen, it just shows the status of all the
10 cars where they're at. Well, on that one it is
11 showing all the Ferguson cars out on Canfield.

12 goes, I was really hoping you
13 weren't involved in that, you know, because any time
14 every car is involved, you really don't know what is
15 going to happen, who is going to get hurt.

16 **Q** What was doing,
17 what was duty that day?

18 **A** was working for court, was doing
19 paperwork, entering warrants for them.

20 **Q** So wasn't working the radio or
21 dispatch or anything like that?

22 **A** No.

23 **Q** And didn't know what had happened?

24 **A** No.

25 **Q** just knew a lot of cars were going

1 there?

2 **A** just saw the cars, didn't even
3 know what the call was. I think they had it as a
4 disturbance, so didn't even know what it was.

5 **Q** Okay.

6 **A** I go in there, I asked to go get me a
7 pair of gloves. goes gets me a pair of gloves,
8 comes back, put the gloves on. I grab an
9 evidence envelope, take my gun out of the holster,
10 make it safe. I lock the slide back, take the
11 magazine out, take the one round that's left in it
12 out. I put it all in that bag, seal it with
13 evidence tape and then sign it.

14 **Q** And you handled your gun at that time with
15 gloves on?

16 **A** Correct.

17 **Q** And why did you do that?

18 **A** To preserve any evidence on there, I knew
19 his DNA was on that gun.

20 **Q** How did you know his DNA was on the gun?

21 **A** When I first took it out, without even
22 looking at it, I knew that he had fingerprints on it
23 and possibly even sweat from, it was warmer that day
24 so, and he could have sweat on it. When I took it
25 out, I also saw blood on it.

1 Q You saw blood?

2 A Yes.

3 Q And that could have been from when you
4 shot him?

5 A Yes.

6 Q Okay. Is it procedure for you to make
7 your gun safe in a shooting like this or should
8 someone else do that?

9 A I don't really know.

10 Q Because that never happened to you before?

11 A Correct.

12 Q And you never investigated this type of
13 crime?

14 A No, I have not.

15 Q Not crime, but situation before?

16 A Correct.

17 Q Okay. All right. So you made, but you
18 knew how to make the gun safe and put it in an
19 evidence envelope based on your training and
20 experience?

21 A Yes, I was just trying to preserve all the
22 evidence I could on the weapon. And I knew if I put
23 it in an evidence envelope and sealed it, that it
24 would have no other contact with anybody and it
25 could be as preserved as you could get.

1 **Q** Okay. All right. And then what?

2 **A** I sat down and called for my attorney, who
3 represents police for the union. He said he would
4 be on his way.

5 Officer came in, he gave me the
6 card for the application for the Fraternal Order of
7 Police. I said, I already called them.

8 He said, would you like to tell me
9 what happened so I can tell the media? I said, no,
10 I don't want to talk right now.

11 Lieutenant came in, he's
12 actually my lieutenant who was off that day. He
13 came in and said, has anybody told you what's
14 happening? I said, I don't really know anything
15 that's going on there. I left the scene pretty much
16 right after.

17 He said St. Louis County is
18 investigating. I said okay, and then he left.

19 And then right after he left,
20 Ferguson Fire Department and EMS from Christian
21 Northeast Hospital showed up. They stayed about
22 this far away, they didn't actually come in the
23 room.

24 And they asked what happened?

25 I said, I was hit in the face

1 multiple times.

2 They asked where?

3 I pointed this side, that side.

4 They asked if I lost consciousness?

5 I said, no.

6 My vision was blurry?

7 I said, no.

8 Asked if I needed to go to the

9 hospital?

10 I said, no, not right now.

11 So is there anything else we can do

12 for you?

13 I said, no, not right now, and then

14 they left.

15 About 20 minutes later is when

16 my attorney, showed up and we talked for about 10 or

17 15 minutes.

18 My assistant chief showed up, he came

19 in and he made the determination that we should go

20 to the hospital, he could see the swelling on my

21 face.

22 So he drove, before we left,

23 Detective from St. Louis County arrived,

24 informed us he would be investigating the case and

25 kind of gave us the rundown of what to expect. And

1 then he agrees with going to the hospital.

2 So my assistant chief drove me and
3 to the hospital and Detective followed.

4 Q Okay. And those photos that we looked at
5 a minute ago were you at the hospital, correct?

6 A Yes, ma'am.

7 Q And then what happened after that?

8 A At the hospital we did the interview. And
9 when I went to the hospital, I didn't wear my
10 uniform shirt, I took that off and my vest off, left
11 it at the station, left my duty belt at the station.

12 Q Did someone tell you to do that?

13 A Yeah, and I felt more comfortable too
14 because I obviously can't wear my gun, and I don't
15 want to be in uniform after all of this without it.

16 So I took the shirt off, just my
17 undershirt, my pants, my boots, go to the hospital.
18 While waiting to be treated in the waiting room, not
19 in the waiting room, in the actual hospital room,
20 Detective began his interview and then stopped
21 as needed for nurses, whoever came in. They took
22 x-rays, prescribed me a painkiller for the face
23 injuries.

24 St. Louis County's evidence
25 technician arrived, he photographed everything. I

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1 don't know who it is, but he came from whoever the
2 department uses for drug tests, they gave me the
3 drug tests. And then after that, I think he left
4 and then the assistant chief drove me and back
5 to the station.

6 He had already made a phone call, the
7 assistant chief did to have Officer
8 get a change of clothes for me, so
9 they were going to take my clothes. They had blood
10 on my left hip area.

11 So when I get back I change, St.
12 Louis County took my pants, shirt, they already had
13 my weapon, and then that was it, I went home for the
14 day.

15 Q Okay. You have been on administrative
16 leave since then?

17 A Correct.

18 Q Okay. In your, well, first of all, you
19 have been a police officer for how long?

20 A Five years.

21 Q Five years. You started out with
22 Jennings?

23 A Correct.

24 Q Why did you leave Jennings?

25 A Whenever Jennings was disbanded, I wasn't

1 officered a position by St. Louis County.

2 Q Did you apply for a position?

3 A Yes, I did. I just wasn't one of the ones
4 selected.

5 Q All right. So you went to Ferguson?

6 A Correct.

7 Q Those are the only two departments you
8 have been?

9 A I actually worked for Pine Lawn for about
10 eight hours.

11 Q Eight hours?

12 A Yes.

13 Q Okay. Did you leave voluntarily?

14 A Yes, I did.

15 Q After eight hours?

16 A Yes.

17 Q Any other incidents where you have been
18 involved where you had to use excessive force?

19 A I've never used my weapon before.

20 Q Not excessive force, where you have had to
21 use force to affect an arrest?

22 A I've used my asp before, I have used my
23 flashlight before and I have used OC spray before.

24 Q Okay. And in those incidents though, no
25 one was injured?

1 **A** No.

2 **Q** Okay. All right.

3 MS. WHIRLEY: Anyone else have questions?

4 I have a few more, but if you have something.

5 Yes,

6 : . I just, hopeful

7 you don't take any offense, I just have a question.

8 You worked for Pine Lawn for eight hours, Jennings,

9 you worked for Ferguson?

10 **A** Correct.

11 Have you always worked in
12 predominantly African-American neighborhoods?

13 **A** Yes, I have.

14 You have.

15 **A** Yes.

16 : No problem until this
17 time?

18 **A** Correct.

19 : Okay.

20 : . I want to
21 go back to when Sergeant arrived there. You
22 told him that you had to kill him. Was that the
23 extent of your conversation or did you tell him sort
24 of like you are telling us play by play what
25 happened?

1 **A** No, it was very brief and he was more
2 focused with the scene than he was, I guess, with me
3 at the moment because like I said, the crowd, it was
4 not a good area. He had made, I had made those
5 comments to him and his reaction was go sit down.

6 . If you would go
7 back to the contact in the car, after you had put it
8 in reverse and reengaged to have a conversation, and
9 Michael Brown reached into the car with his right
10 hand and you said at a certain point that you looked
11 in the mirror to see Dorian Johnson because that's
12 how you recognized him with his black shirt?

13 **A** I did that before the car was placed in
14 reverse.

15 Oh, before, okay.

16 **A** Yes.

17 : Go over that again with
18 me, which mirror were you looking at?

19 **A** My driver's side mirror on the outside of
20 the car.

21 : Okay.

22 **A** Whenever they walked me and I saw the
23 Cigarillos. I'd already saw that Dorian Johnson had
24 on a black shirt, but just to double-check myself to
25 match up with what I heard Cigarillos had been

1 stolen and a suspect wearing a black shirt, I looked
2 to make sure the shirt was black.

3 : Okay.

4 **A** And then I called out for the assist car
5 and then placed it in reverse and backed up to him.

6 : Thank you.

7 **A** You're welcome.

8 MS. ALIZADEH: Officer Wilson, I have a
9 few questions.

10 **Q** (By Ms. Alizadeh) Prior to today, at any
11 time after this incident have you seen any reports
12 of any kind, medical examiner's reports, police
13 reports, hospital reports, anything of that nature?

14 **A** The only report I've seen was the one
15 released on the news about the initial stealing.

16 **Q** Okay. So that is the Ferguson report that
17 was filed in relation to the theft of the
18 Cigarillos?

19 **A** Correct.

20 **Q** And when you, the vehicle that you were
21 in, I'm guessing that is not equipped with any
22 cameras or mikes?

23 **A** No, it is not.

24 **Q** To record what was going on, correct?

25 **A** Correct.

1 **Q** Any of the Ferguson officer's vehicles
2 equipped with that type of equipment?

3 **A** No, ma'am.

4 **Q** You don't wear a body mike?

5 **A** No, ma'am.

6 **Q** Now, your duty holster that you've
7 described or your duty belt has the holster attached
8 to it, correct?

9 **A** Correct.

10 **Q** Is it the type of holster that there's a
11 snap that goes over the gun that you have to unsnap
12 before the gun is removed from the holster?

13 **A** No, it doesn't have the strap on the top,
14 there is a button on the outside of it that you push
15 as you are pulling up and it releases it.

16 **Q** Okay. And is that something that, I mean,
17 as a police officer, you have to train at the firing
18 range, is that fair to say?

19 **A** Yes, ma'am.

20 **Q** And is part of your training learning how
21 to quickly get your gun out of your holster?

22 **A** Yes, ma'am.

23 **Q** When you called in and said you had two on
24 Canfield or two out, I think you said?

25 **A** I said, "Frank 21, I'm on Canfield with

1 two, send me another car."

2 Q With two. And why didn't you say anything
3 about asking again, what was that description of the
4 two involved in the larceny, did you ask for any
5 other details to insure in your own mind that maybe
6 these, you know, were these the guys?

7 A No, because my initial focus was just to
8 get the information out that I was there. Have the
9 other car respond and then get to that. My whole
10 goal was to just stall until someone got there.

11 Q Well, you've made previous statements
12 about that, this incident, and one being initially
13 to Sergeant

14 A Uh-huh.

15 Q Would you say that was kind of a brief,
16 not a lot of detail statement, would that be fair to
17 say?

18 A The one on scene?

19 Q On scene.

20 A Yeah, it was very brief.

21 Q And then you talked to ,
22 Detective ?

23 A Correct.

24 Q At the hospital. And that was a little
25 more detailed, would that be fair to say?

1 **A** Yes.

2 **Q** You didn't say anything to
3 about the Cigarillos, did you?

4 **A** Yes.

5 **Q** You believe you did?

6 **A** Yes, ma'am.

7 **Q** Did you tell that when you
8 saw him with his left hand reaching back and he made
9 the statement here, hold these or whatever, that you
10 saw what was in his hand?

11 **A** I had saw the flash of them going back
12 behind him.

13 **Q** So you didn't see at that point what was
14 in his hand?

15 **A** I could see the red and white wrapper of a
16 Cigarillo in his hand.

17 **Q** Okay. Just so I can be sure I'm
18 understanding you, did you see that they were
19 Cigarillos or did you assume they were Cigarillos?

20 **A** I assumed they were Cigarillos at that
21 point. I saw that they were in his right hand
22 before the contact was made.

23 **Q** But you didn't notice as his hand, his
24 right hand comes in the vehicle, and initially
25 contacts your face, you don't notice that he has

1 these packages or package with red and white
2 wrappers, you don't see them as he is hitting you?

3 **A** No, because I had shielded myself and I
4 believe I even closed my eyes.

5 **Q** Did you ever grab ahold, you said that you
6 grabbed ahold of his right hand at some point?

7 **A** It was like his forearm, it was this area.
8 (indicating)

9 **Q** His right forearm?

10 **A** Yes, ma'am.

11 **Q** And what were you doing when you grabbed
12 ahold of his right forearm?

13 **A** Trying to move him and somewhat control
14 him so I could get out of the car.

15 **Q** Were you ever pulling him to try to pull
16 him into the vehicle?

17 **A** No, I was trying to open my car door with
18 my left hand and then hold onto him as I did so.

19 **Q** So you've got your left hand, or what's
20 holding his right hand?

21 **A** My right hand.

22 **Q** You are like this? (indicating)

23 **A** Yes.

24 **Q** And you are like this trying to open your
25 door? (indicating)

1 **A** Yes.

2 **Q** And this is before you've gone for your
3 gun?

4 **A** Yes.

5 **Q** The first shot you've described pretty, I
6 guess, in detail. I think I understand the first
7 shot. The second shot you said you kind of weren't
8 looking, I guess?

9 **A** Uh-huh.

10 **Q** Where was your gun pointed?

11 **A** His general direction.

12 **Q** Was your gun above the level of the door
13 frame?

14 **A** I would say, yes. It had come up, it was
15 not on my leg any more and my leg sits only that far
16 away from the top of the window. So I remember
17 doing it like this, having my gun up.

18 **Q** And you said you saw a little puff of dust
19 or dirt that you assume was where a projectile might
20 have landed in the dirt; is that correct?

21 **A** Yes, ma'am.

22 **Q** So your gun wasn't pointed like up in the
23 air, would that be fair to say?

24 **A** Not that I'm aware of, correct.

25 **Q** Was your gun, if you had rolled up your

1 window, let's just say, was your gun totally inside
2 the vehicle, partially out of the vehicle, or was
3 your hand extended so that the gun was totally
4 outside of your vehicle?

5 **A** I don't know for sure, but it was my right
6 hand with it and I was like this. So I don't know
7 where it could have gone.

8 **Q** And I was using my left hand, I guess, to
9 demonstrate, you are right handed?

10 **A** Yes, ma'am.

11 **Q** And so you were across your body?

12 **A** Yes, ma'am.

13 **Q** And you said you had turned your face
14 somewhat?

15 **A** Yes, ma'am.

16 **Q** And at that point Michael Brown is not
17 right up on the vehicle, is that fair to say?

18 **A** No, this is when he is coming back at the
19 vehicle. He is only about a foot away and then
20 after the first shot hit him, he went down and kind
21 of held his hip for a second and then he came back
22 up and started to come back in the vehicle. And
23 that's when I just went like this and I pulled the
24 trigger.

25 **Q** Did you give him any kind of warning

1 before that second shot?

2 **A** I don't recall.

3 **Q** (By Ms. Whirley) You said you knew the
4 area and you felt threatened in that area because
5 there is violence and guns and everything, and that
6 Michael Brown was being confrontational before the
7 first blow, correct?

8 **A** Yes.

9 **Q** Is there any reason why you didn't wait in
10 the car until your backup came?

11 **A** I thought I would be able to just stall
12 until someone got there. I thought if I can get out
13 of the car, I could maintain the distance that I
14 need to maintain, they were close. I figure all I
15 needed was 20 or 30 seconds and someone is going to
16 be there.

17 **Q** Right. So why wouldn't you stay in the
18 car?

19 **A** Because I had already been, my comfort
20 zone is not to be sitting in the car talking to
21 someone else. I wanted to be out of the car, that
22 way if I need to run I can run.

23 **Q** You can run?

24 **A** If I was out and he started like chasing
25 me or went to hit me, I could move.

1 **Q** You are in a car, you are more mobile in a
2 car than you are on foot, right?

3 **A** Right. But I also didn't want him to run
4 away, so I need to kind of stay where I can keep him
5 there, keep myself safe and wait for someone to get
6 there.

7 MS. WHIRLEY: Okay.

8 **Q** (By Ms. Alizadeh) Now, Officer Wilson, I'm
9 not trying get in your head, I mean, I guess we all
10 are trying to get in your head at some point to know
11 what you were thinking at the time, but, I mean,
12 your initial confrontation or your initial contact
13 with them, I mean, you didn't see any of them with
14 weapons, correct?

15 **A** No.

16 **Q** And they weren't subjects that you knew to
17 be armed and dangerous?

18 **A** No.

19 **Q** And you stop and encounter pedestrians
20 probably almost on a daily basis when you are on
21 patrol, would that be fair to say?

22 **A** Yes.

23 **Q** And so did you at that point have any
24 reason to anticipate that this, that Michael Brown,
25 the Michael Brown subject was going to provoke or

1 be, or assault you?

2 A No, not at that moment, no.

3 Q You described the first shot, was his
4 right hand on the gun when the shot went off?

5 A I believe so.

6 Q And then the second shot, was his body in
7 contact with you on the second shot?

8 A Probably not on the second one. I know
9 when I first pulled the trigger it was, but it
10 didn't shoot and then that's when I racked the gun
11 and then shot again.

12 Q And you used both hands, you had to use
13 both hands to rack the gun?

14 A Yes, ma'am.

15 Q Was he still trying to hit you when you
16 went to rack the gun?

17 A I didn't look up.

18 Q Okay. So you said you did that without
19 looking and then you just went like that?

20 A Yes.

21 Q Turned your face away and shot out the
22 window?

23 A Yes.

24 Q In his general direction?

25 A Yes.

1 **Q** And so you can't really say whether his
2 hands were inside the car or outside the car at the
3 time you actually fired the second time, the second
4 shot?

5 **A** No, I can't tell you.

6 **Q** The blood on your pants, do you know how
7 the blood got on your pants?

8 **A** No, I do not.

9 **Q** Do you recall, I mean, when you were done
10 and you notice that you have, you said you had blood
11 on your left palm?

12 **A** Uh-huh.

13 **Q** And on the back of your right hand?

14 **A** Uh-huh.

15 **Q** Did you wipe your palm on your pant leg
16 because it is on your left pant leg, correct?

17 **A** Correct.

18 **Q** Did you wipe your hand on your pant leg to
19 get the blood off your palm?

20 **A** Not that I remember. I didn't see the
21 blood on my palm until I was driving back to the
22 station.

23 **Q** Okay. So you don't recall if you wiped
24 the blood on your pants?

25 **A** No, I don't know.

1 Q And when you, at any time after you got
2 back at the station, you went to the bathroom, was
3 there a mirror in the bathroom?

4 A Yes.

5 Q Could you see any blood on your face?

6 A No, I don't remember seeing any on my
7 face.

8 Q I would imagine that at some point in your
9 training you have learned something about blood
10 spatter and blood spray and so forth; is that right?

11 A It is kind of common knowledge, but no
12 official training on how it works.

13 Q I know you are not an expert, but you know
14 that can happen when you are in close range when
15 someone is shot, correct?

16 A Yes.

17 Q That spray or spatter can get on you?

18 A Yes.

19 Q Did you ever see anything like that?
20 Obviously, we have seized your clothing and what's
21 on there is what's on there, but did you have any of
22 that on your face or on your forearms or anything
23 like that?

24 A I don't recall seeing it on my face. I
25 remember looking, I don't remember washing my face.

1 I would say no, it was not on my face. When I
2 washed my hands, I did wash up like halfway up my
3 forearm just to make sure nothing was on me. I seen
4 it on my hands and I just started washing.

5 Q You didn't wash your face then prior to
6 going to the hospital?

7 A No.

8 Q Did anyone that you recall ever swab your
9 face?

10 A The outside of my face?

11 Q Yes.

12 A Not that I -- no.

13 Q Did anyone swab the back of your hands?

14 A No.

15 MS. ALIZADEH: I don't have anything else.

16 : When
17 Michael Brown, I guess, I guess at the point where I
18 want to say it was the second shot, I know this is
19 kind of after the fact. You said he stepped back a
20 little bit and then he came back in on you?

21 A That was after the first shot.

22 After the first shot?

23 A Yes.

24 Did you ever think about,
25 I know you said your vehicle was running, did you

1 ever just think about getting in that bad boy and
2 drive?

3 **A** No, I didn't. My thought is, I was still
4 dealing with a threat at my car. You know, we're
5 trained not to run away from a threat, to deal with
6 a threat and that is what I was doing. That never
7 entered my mind to flee.

8 : Did you ever or
9 do you recall grabbing Michael Brown by the throat?

10 **A** Never touched his throat.

11 : Shoulder?

12 **A** No. Only part of him I touched was his
13 right forearm.

14 : . When
15 Michael Brown was running from you, after the shots
16 were fired within the car and they both just
17 disappeared and you had Michael in focus, did you
18 ever at any time fire with his back facing you?

19 **A** No, I did not.

20 : When you asked him to
21 halt, and he turned around and he, you know, stopped
22 running, at any point did you ever think that okay,
23 maybe he don't have a gun, I need to stop shooting?

24 **A** When he was running towards me?

25 : Throughout the whole

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1 process. You're in the car and someone, you're
2 struggling, tugging back and forth, did you ever
3 think that he had a gun right then and there, he
4 could have used it at any time?

5 **A** I wasn't thinking about that at that time.
6 I was thinking about defending myself whenever he
7 was hitting me in the car.

8 MS. ALIZADEH:

9 : . So kind of going
10 go on that as well. So the comment that you made to
11 your supervisor Sergeant when he got there at
12 the scene was that he went for my gun, I had to
13 shoot him. I think that kind of goes along with
14 that. Because I think when I hear someone say he
15 went for my gun, if I literally take that comment, I
16 would assume that someone literally went to your
17 holster and tried to pull it out. Either
18 unholstering it or literally taking it from you.

19 And in this instance that was not the
20 case. You had already unholstered and you were
21 aiming at him. He essentially in his, your point of
22 view and the point of view of who we can no longer
23 obtain that, he deflected or pushed it towards you,
24 but he did not at any point try to pull it from your
25 holster is, I guess, my question?

1 **A** He didn't pull it from my holster, but
2 whenever it was visible to him, he then took
3 complete control of it.

4 MS. ALIZADEH: I can't hear you, sorry.

5 **A** Whenever, he didn't pull it from my
6 holster, but whenever it was displayed to him, he
7 did take complete control. Because he had twisted
8 it around so my hand was no longer this way, it was
9 bent this way and it was dug into my hip. He had
10 complete control of that weapon at that time.

11 Was your hand, I'm sorry,
12 was your hand still on it and finger on the
13 trigger?

14 **A** Yes, ma'am, or yes, sir.

15 : I wouldn't say he had
16 complete control, I would say he had some control.

17 **A** He was controlling where it went, how it
18 went there and his finger was in the process of
19 going on the trigger with mine.

20 Okay.

21 **A** I could feel his fingertips on my trigger
22 finger trying to get in the trigger guard.

23 Okay. When I just hear
24 the word complete control, I think it is entirely in
25 his possession and none of yours, that's the way I

1 feel is complete control.

2 **A** Okay.

3 MS. ALIZADEH: Anyone else have any other
4 questions?

5 : . What's
6 the chain of command at the Ferguson Police
7 Department from chief down?

8 **A** Chief down would be chief, the assistant
9 chief and then we have for the patrol side, I
10 believe, our captain's next, the assistant chief
11 just started a week before this happened. I don't
12 know what was really ironed out between them two.
13 After the captain, it is a lieutenant, sergeant,
14 patrolman.

15 : I keep hearing this name,
16 Lieutenant ?

17 **A**

18 MS. ALIZADEH:

19 :

20 **A** He is the assistant chief, lieutenant
21 colonel.

22 Okay, thank you.

23 **A** You're welcome.

24 : One more question,
25 When you got back to the police

1 department, after you washed off and everything, did
2 you ever think at what time that I need to write a
3 report while it is fresh on my mind?

4 **A** No. The protocol is whenever you are
5 involved in a significant use of force, that you
6 contact your FOP representative and then he will
7 advise you of what to do step by step because they
8 are the clear head in that situation. They have not
9 been through a traumatic experience.

10 MS. ALIZADEH: And I guess to be fair
11 about this, any time any law enforcement officer has
12 asked to speak to you, you have willingly and
13 voluntarily come in and been interviewed and
14 answered all their questions, is that fair to say?

15 **A** Yes, ma'am.

16 MS. ALIZADEH: And you've never been back
17 working at Ferguson Police Department since this
18 happened, correct?

19 **A** No, I have not.

20 MS. ALIZADEH: Did you, I mean, for your
21 own sake, did you like write down in a diary what
22 happened, I mean, not a diary or I guess a grown man
23 would call it a journal, but you know, have you ever
24 like, did you afterwards, you know, write this out
25 for your own, you know, therapeutic needs?

1 **A** My statement has been written for my
2 attorney.

3 MS. ALIZADEH: Okay. And that's between
4 you and your attorney then?

5 **A** Correct.

6 MS. ALIZADEH: Okay.

7 **A** The department has not asked me for
8 anything.

9 MS. ALIZADEH: So no one has asked you to
10 write out a statement.

11 **A** No, they haven't.

12 MS. ALIZADEH: You didn't just on your own
13 decide I want to write this down while it is all
14 fresh in my mind, you didn't do that yourself?

15 **A** No.

16 MS. ALIZADEH: This happens in the matter
17 of how many minutes or seconds by the time that you
18 saw them walking down the street until Michael Brown
19 is dead in the street?

20 **A** I would say less than one minute.

21 MS. ALIZADEH: Less than one minute?

22 **A** Uh-huh.

23 MS. ALIZADEH: Now, you know, I know
24 you've probably thought about this every day since
25 it's happened, would that be fair to say?

1 **A** Yes.

2 MS. ALIZADEH: Replayed this in your mind
3 over and over again?

4 **A** Yes.

5 MS. ALIZADEH: And do you think that after
6 having really thought about this over time and
7 basically you've had to tell this scenario a few
8 times, do you think that if there are additional
9 details that you may not give initially, do you
10 think that's because you're just now remembering
11 them because you are putting so much thought into
12 what happened or do you think that is things that
13 maybe you kind of imagined happened, but didn't
14 really happen, you understand my question?

15 **A** Yeah, just from what I have been told
16 about the incident originally, is that you are
17 supposed to have 72 hours before you are actually
18 officially interviewed, recorded statement and all
19 of that. You tend to remember more through a couple
20 sleep cycles then what you do as soon as it happens.
21 It is a traumatic event, a lot of details kind of
22 come as one detail. I mean, from what I understand,
23 there hasn't been really anything significant that's
24 changed.

25 MS. ALIZADEH: So you think that when you

1 were testifying today you said you kind of thought,
2 had a thought process. As this chaotic scene is
3 unfolding, do you recall actually in your mind
4 processing this in the way you've described or is it
5 all just reactionary?

6 **A** No, I remember actually, I picture a use
7 of force triangle in my head when this first
8 happened and I was going through the progression of
9 what I could do as far as the use of force continuum
10 is concerned.

11 MS. ALIZADEH: That is something you
12 learned in the police academy then?

13 **A** Yes, ma'am.

14 MS. ALIZADEH: And you recall actually
15 thinking that as this assault is occurring?

16 **A** Yes.

17 MS. WHIRLEY: At what point did the use of
18 triangle --

19 MS. ALIZADEH: Use of force triangle.

20 MS. WHIRLEY: Use of force triangle come
21 into your head, what was going on when you start
22 seeing the triangle?

23 **A** Whenever I first start considering the
24 spray, the taser.

25 MS. WHIRLEY: What was going on though?

24 Just a couple
25 questions actually. The first one, we have heard a

1 lot of scenarios and witnesses involved and their
2 timelines and activity. Anyway, we have heard a
3 little bit about what you did that morning when you
4 were on duty. The day before, typical shift, were
5 you off that day?

6 **A** On Friday?

7 : On August 8th?

8 **A** I don't remember anything significant. I
9 did work that day, but I don't remember anything
10 significant.

11 : You said you did not work
12 that day?

13 **A** I did work that day.

14 : Like 6:30 a.m. to
15 6:30 p.m. shift?

16 **A** Yes.

17 Get a good night's sleep?

18 **A** From what I remember, yes.

19 : Okay. 6 to 8 hours?

20 **A** Yes.

21 : Felt rested, ready to go
22 the next day. Just had to ask, curious. And then
23 following the actual incident, you are back in your
24 supervisor's car driving back to Ferguson Police
25 Department. How far is that roughly from the crime

1 scene, the police department?

2 **A** Mile and a half, 2 miles.

3 : So very short trip?

4 **A** Yeah.

5 And that was my thought
6 too, but being in communication, I think, you know,
7 in that situation, my first thought is to contact a
8 loved one and say, I can't believe what just
9 happened and that was my thought. If there was any
10 sort of communication from that point moving forward
11 on a personal cell phone or anything else?

12 **A** No.

13 : So none whatsoever until
14 you saw the officer at the Ferguson Police
15 Department?

16 **A** Yes.

17 : Thank you.

18 : . Last
19 question.

20 MS. ALIZADEH: It just left your head.

21 : I have it. I'm trying to
22 word it. Dorian, did you ever tell the police chief
23 or any of the other officers that there was another
24 person with him, did you ever try to look for
25 Dorian?

6 . This kind
7 of dovetails with her questions about Dorian. I
8 understand that you did an interview August 28th
9 with FBI agent; is that correct?

11 Okay. At which time, I
12 hope I'm getting this correct, I believe that there
13 was, did they present to you a photo lineup of
14 suspects or whatever?

16 : The Department of Justice
17 did not, what about the FBI?

19 : No one did at that time.

20 MS. ALIZADEH: I think you might be
21 thinking of the officer, Detective

23 Was that whose evidence?

24 MS. ALIZADEH: I believe so.

25 Okay. That would have

1 been on the date of, did they give you a photo
2 lineup, Detective

3 **A** I think it was the 10th, I think is when I
4 did the follow-up interview with ,
5 both detectives.

6 : , okay.

7 And that would be right?

8 **A** Yes.

9 : Okay. And they gave you a
10 photo lineup of, I think, eight characters or
11 whatever?

12 **A** Yes.

13 Okay. And you were
14 required or they asked you to pick out Dorian
15 Johnson at that time?

16 **A** Yes.

17 Were you able to pick him
18 out at that time?

19 **A** I selected who I believe was Dorian
20 Johnson, they never confirmed if it was or not.

21 They never did, okay. You
22 don't know the results of that?

23 **A** No, I do not.

24 Okay, thank you.

25 MS. ALIZADEH: Just to be clear, you're

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1 not in any way, are you?

2 **A** No, I'm not.

3 MS. ALIZADEH: Prior to this incident, had
4 you ever had any contact with any of the county
5 detectives that you've met throughout this
6 investigation?

7 **A** No, I have not.

8 **Q** Any of the agents, FBI agents or federal
9 agents involved in their investigation?

10 **A** No, I have not.

11 You felt like
12 your life was in jeopardy when you were sitting in
13 the vehicle?

14 **A** Yes.

15 You felt like when you
16 exited the vehicle and the interaction with Michael
17 Brown, he was advancing towards you, you felt like
18 your life was in jeopardy?

19 **A** Yes.

20 : And use of deadly force
21 was justified at that point in your opinion?

22 **A** Yes.

23 MS. ALIZADEH: Sheila?

24 MS. WHIRLEY: I was just going, if we are
25 sort of done with your questioning, is there

1 something that we have not asked you that you want
2 us to know or you think it is important for the
3 jurors to consider regarding this incident?

4 **A** One thing you guys haven't asked that has
5 been asked of me in other interviews is, was he a
6 threat, was Michael Brown a threat when he was
7 running away. People asked why would you chase him
8 if he was running away now.

9 I had already called for assistance.
10 If someone arrives and sees him running, another
11 officer and goes around the back half of the
12 apartment complexes and tries to stop him, what
13 would stop him from doing what he just did to me to
14 him or worse, knowing he has already done it to one
15 cop. And that was, he still posed a threat, not
16 only to me, to anybody else that confronted him.

17 MS. WHIRLEY: Any questions?

18 : . Along those
19 lines, you feel like as a police officer it is your
20 obligation to follow that suspect?

21 **A** Yes, sir.

22 MS. ALIZADEH: All right. If that's it
23 then.

24 (End of the testimony of and
25 the testimony for September 26, 2014.)

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3 State of Missouri

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SS.

5 County of St. Louis

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I, a Licensed Certified Court

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Reporter by the Supreme Court in and for the State

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of Missouri, duly commissioned, qualified and

9

authorized to administer oaths and to certify to

10

depositions, do hereby certify that pursuant to

11

Notice in the civil cause now pending and

12

undetermined in the County of St. Louis, State of

13

Missouri.

14

The said witness, being of sound mind and being

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by the grand jury first carefully examined and duly

16

cautioned and sworn to testify to the truth, the

17

whole truth, and nothing but the truth in the case

18

aforesaid, thereupon testified as is shown in the

19

foregoing transcript, said testimony being by me

20

reported in shorthand and caused to be transcribed

21

into typewriting, and that the foregoing page

22

correctly sets forth the testimony of the

23

aforementioned witness, together with the questions

24

propounded by counsel and grand jurors thereto, and

25

is in all respects a full, true, correct and

1 complete transcript of the questions propounded to
2 and the answers given by said witness.

3 I further certify that the foregoing pages
4 contain a true and accurate reproduction of the
5 proceedings.

6 I further certify that I am not of counsel or
7 attorney for either of the parties to said suit, not
8 related to nor interested in any of the parties or
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1 COURT MEMO

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5 State of Missouri vs. Darren Wilson

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8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury, Volume V

12

13 9/16/2014

14 Name and address of person or firm having custody of
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1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

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10 my hand and seal on this _____ day of _____
11 Commission expires

12 _____

13 Notary Public

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